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RHODE ISLAND

IN THE

Continental Congress,

WITH THE

JOURNAL OF THE CONVENTION THAT ADOPTED
THE CONSTITUTION.

1785-1790.

BY HON. WILLIAM R. ^{Read}STAPLES, LL. D.

EDITED BY

REUBEN ALDRIDGE GUILD, A. M.,
LIBRARIAN OF BROWN UNIVERSITY.

[PRINTED BY ORDER OF THE GENERAL ASSEMBLY.]



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EDITOR'S PREFACE.

DURING the year 1863, the late Hon. WILKINS UPDIKE, of South Kingstown, deposited with the Secretary of State certain papers, documents and minutes, pertaining to the famous State Convention of 1790, which adopted the Constitution of the United States. These papers, in the Spring of 1864, were put into the hands of the late WILLIAM R. STAPLES, together with a certified copy of the following resolutions, passed by the General Assembly, at the January session :—

RESOLVED, That the Hon. WILLIAM R. STAPLES be, and he hereby is, authorized to edit the Journal of the Rhode Island Convention for the adoption of the Constitution of the United States ; also the proceedings of the towns relative to the ratification of the Constitution, and other papers connected therewith ; and that when completed he cause five hundred copies of the same to be printed under the direction of the Secretary of State, for the use of the General Assembly.

RESOLVED, That the sum of three hundred dollars be, and the same is, hereby appropriated and placed at the disposal of the Governor, to be by him expended in carrying out the foregoing resolu-

tion; which sum, or such part thereof as he may deem necessary, may be drawn by him on the General Treasurer, out of any money in the treasury unappropriated.

The conclusions to which Mr. STAPLES arrived, after a careful examination of these papers, were communicated to His Excellency, Governor SMITH, in a letter of which the following is substantially a copy:—

PROVIDENCE, April 4, 1864.

SIR:—The General Assembly at their late session, passed a resolution authorizing me to edit the "Journal of the Rhode Island Convention for the adoption of the Constitution of the United States; also the proceedings of the towns, relative to the ratification of the Constitution and other papers connected therewith."

About a fortnight since, the Secretary sent me a copy of this resolution, and also a volume from his office, marked "Papers relating to the adoption of the Constitution of the United States;" and most of my leisure time since the receipt of these "papers" has been spent in examining them.

Among them, and constituting a large part, are returns from town clerks of the names of the freemen who voted in town meetings to adopt or reject the Constitution. These returns are from twenty-two towns, and are of little value, as it is well known that the friends of the Constitution refused to vote in this manner on that subject, but were in favor of a Convention to decide the matter, as proposed by the General Convention that formed the Constitution. This will be very apparent from the fact that in Newport only eleven votes were cast, and in Providence but one. Little would be gained by the publication at length of these twenty-two towns. It is quite probable that the names of those who voted in the remaining eight towns could be procured from their town clerks; but would they render the list valuable or worth printing?

The next class of papers in the volume, consists of instructions from towns to their representatives in the General Assembly, relative to a change in the ratio of representatives, and other paper money

measures, generally bearing date from 1786 to 1788. These are very remotely connected with the adoption of the Constitution, inasmuch as they show the state of parties in the State at that time. They were very much more valuable at their date than now.

The next class contains the Acts of Ratification by other States, not of all of them. The *forms* adopted by these had little weight here, though *the fact of adoption* finally turned the scale in this State. These belong to the history of those other States, and not to ours, and so have been considered and published.

The next class contains the certificates of the election by the towns of their delegates to the Convention—mere certificates of that fact.

The next consists of the instructions given by the towns to their delegates, between the first session of the Convention, in March, and the final adjourned session in May. These make up an important part of the minute history of the adoption of the Constitution by this State, and these occupy about six sheets of paper.

The next is called "Miscellaneous." The only connection they bear to the Constitution, is that they were found with the papers relating to its adoption. There is one detached leaf, which *may* have been written in the Convention. There are three paper books; one of minutes of proceedings of the Convention at South Kingstown, in March, consisting of twelve pages of quarter sheet foolscap. These are as short as they well could be, embracing, however, a roll of the members, four pages, election of officers, rules and orders of proceeding, three pages, minutes of motions made, committees appointed and reports received, and ending now, abruptly, in the middle of a resolution offered by Mr. Marchant, on the afternoon of Saturday.

The other paper book begins in the middle of the twelve items of the Bill of Rights finally adopted, and contains the rest, and also the amendments agreed to at South Kingstown, occupying ten pages. Then commences the Journal of the adjourned session at Newport, in May, the roll of the members again, about two and a half pages. Then follow twelve pages more of meagre proceedings, stating motions made and by whom generally, but none of the arguments pro or con. on any of them, or on "the grand question."

There is still another book of eighteen pages, same size, which seems to be rough minutes of some of the earlier debates, such as the writer of them, soon after they were taken, could have worked

up into regular speeches by the help of his memory. These minutes are not perfect, and do not extend to the end of the Convention, if they do beyond the session at South Kingstown. The members would not be greatly flattered by having them published verbatim, as their speeches, but who can fill them up.

There are some other scattering papers, such as reports of amendments, rough drafts of motions, etc., and the final vote of adoption. The majority by which the Constitution was adopted is given, but not the names of the members who were absent, nor the way any voted.

Something might be added to these, to fill up, from other sources, still it would make but a *thin* volume. Other States have published the debates in their Conventions. These are very valuable. Such a book cannot be made from the papers shown me, or known by me to exist elsewhere.

According to the resolution of the Assembly herein referred to, these must make the book. As a preface to it might be collected what evidence remains of the mighty struggle in the General Assembly for the calling of a Convention—information, cousin, if not further removed from the proceedings of a Convention when formed. At least eight times, at as many different sessions, had the motion to call a Convention been negatived by the opponents of the Constitution. How a different result was obtained on the ninth trial, fortunately for us, rests only in tradition.

As second cousins might be added, the course of Rhode Island, relative to the grant of the five per cent. impost to Congress, which led to the necessity of a new system of government.

A third cousin, by way of defense to the opponents of the Constitution, might be added, the readiness with which Rhode Island agreed to the Articles of Confederation, and the political creed of her utter State rights doctrines, not exceeded by her wayward sisters. And as a further excuse for the opposition and delay, reference might be had to the appearance of party strife commencing between Ward and Hopkins, covered up when the leaders of both sides were sent to the old Continental Congress, who there stood shoulder to shoulder to oppose a common enemy, kept smouldering during the Revolutionary War, broke out again in the friends and opponents of paper money, in 1786, the farmer and the merchant, country against town, opponents to the Constitution or anti-federalists, and friends of the Con-

stitution and federalists—the dividing line remaining the same under all changes of names.

But the General Assembly do not want a history. The State has one in Arnold's work—why another. They wanted certain papers edited—not a sketch drawn.

The papers, in my estimation, neither for their contents nor for their extent, are worth printing. The language of the resolution is perhaps broad enough to embrace "their first cousins." I should like to have you examine these papers, and give me advice whether I may begin, or whether better await the further action of the Assembly.

My excuse for troubling Your Excellency, is that the Assembly specially made it your duty to decide upon the appropriation made to effect their wishes.

I have the honor to be,

Very respectfully,

WILLIAM R. STAPLES.

To this letter Governor SMITH thus replied :—

STATE OF RHODE ISLAND, EXECUTIVE DEPARTMENT, }
PROVIDENCE, April 21st, 1864. }

DEAR SIR :—I have yours of the 4th, relative to the Journal and other papers connected with the adoption of the Constitution of the United States by Rhode Island. I had before learned from the Secretary of State, how very meagre this Journal was, and that to print it, even with the accompanying papers, would throw but little light on the important event to which it alludes. The Secretary informs me that you have collected some facts which throw additional light upon the proceedings previous to the Convention, and also upon some of the principal actors in that body. I do not expect to examine these papers myself, being satisfied with what I have heard from Mr. BARTLETT and yourself. The Assembly understood that you had made investigations connected with the Convention, and that the facts collected by you would add interest to the Journal and other papers in the State archives. I now recommend, therefore, that you add to these papers whatever you have that will make them more interesting,

or throw additional light upon the proceedings of the Convention, whether anterior or subsequent to it, together with notices of the leading men connected with it. I think the language of the resolution is broad enough to cover all this.

I am, very respectfully,

Your obd't servant,

JAMES Y. SMITH.

For a long time previous to any action on the part of the General Assembly, relative to the publication of the papers alluded to in their resolutions of January, 1864, Mr. STAPLES had been collecting materials for a history of Rhode Island in the Continental Congress, with sketches of the lives of the delegates from this State. Upon receiving the foregoing letter from Governor SMITH, he proceeded in that work, intending to close it with the Journal and proceedings of the Convention that adopted the Constitution. While so engaged he "found by the records," using his own words, "that the General Assembly, instead of appointing him to edit the Journals of the Convention, had authorized His Excellency the Governor to 'employ some suitable person' to do the work, and therefore he discontinued his labors." This was owing of course to a misapprehension of the facts, arising in part from the well known sensitiveness and delicacy of the author in all matters pertaining to himself.

At the January session of 1865, the General Assembly passed the following resolution:—

RESOLVED, That the Hon. WILLIAM R. STAPLES, be, and he is hereby requested to edit the Journals of the Convention in Rhode Island for the adoption of the Constitution of the United States;

also, the proceedings of the towns relative thereto, and other papers connected therewith, within, or which may be put within his control, and to cause five hundred copies to be printed for the use of the General Assembly.

Upon receiving a copy of this resolution, Mr. STAPLES resumed his labors. He embodied in his work the correspondence between the Executive of the State and the delegates in Congress, which had already been published in the "Colonial Records." When completed in this form it made two hundred and forty folio pages of manuscript. Thinking, however, that there might be further correspondence in the office of the Secretary of State, and in the archives of the Rhode Island Historical Society, he made a thorough search, being anxious to obtain and copy all letters pertaining to his subject, that were known to be in existence. The result was five hundred pages more of manuscript. To engraft all this into his original work required a careful recasting of the whole. This was not accomplished until the beginning of March, 1867.

Finding that the work in its enlarged form would greatly exceed in size and cost the one originally proposed by the General Assembly, Mr. STAPLES, in the Spring of 1866, suggested the expediency of appointing a committee to examine the manuscript, or at least to confer with the author on the subject. Such a committee was appointed, consisting on the part of the House of Messrs. GEORGE W. GREENE, GEORGE M. CARPENTER and WILLIAM BINNEY; and on the part of the Senate of His Honor the Lieutenant Governor, ROWLAND G. HAZARD and BORDEN

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This, in addition to the labor of proof-reading, which, in his enfeebled state of health, he dreaded, decided him for the time not to publish.

A few weeks before Judge STAPLES's death, I called by special appointment at his house, to confer with him in reference to the work which he had prepared for publication, and which he had carefully revised for the last time. He unfolded at length his views and plans, and then requested me to take the manuscript to my home, examine it carefully, revise the title page and preface, and give suitable headings to the several chapters, intimating that in case of publication, about which he was still in doubt, he should rely on me to read the proofs, and make out an index similar to the one in my "Life, Times and Correspondence of James Manning." These suggestions and wishes I have endeavored faithfully to carry out, the General Assembly having, at its January session for 1869, authorized the publication of the work in accordance with the following resolutions:—

RESOLVED, That the sum of seven hundred and fifty dollars be allowed to the heirs of the late WILLIAM R. STAPLES, for the manuscript of a work entitled "Documentary History of Rhode Island in the old Continental Congress, with the Journal of the Convention that adopted the Constitution, in May, 1790," and that the State Auditor is hereby directed to draw his order on the General Treasurer in favor of the legal representative of said heirs, for the said sum of seven hundred and fifty dollars, on receiving from them a receipt in full for all claims against the State on account of said work.

RESOLVED, That the sum of two hundred and fifty dollars be allowed to REUBEN A. GUILD, for editing the aforesaid work of the late WILLIAM R. STAPLES, and that the State Auditor is hereby directed to draw his order on the General Treasurer for said sum in

favor of the said REUBEN A. GUILD, on the completion of his editorial labors.

RESOLVED, That the editorial labors of the said REUBEN A. GUILD shall include correcting the proof, and superintending the printing of five hundred copies of the said work, under a contract already made with the State Printers.

RESOLVED, That the volume when completed be delivered to the Secretary of State, who shall then cause twenty-five copies of the work to be given to the family of the deceased author, and shall distribute one copy to each member of the present General Assembly, and the remainder under the direction of the General Assembly:

RESOLVED, That all former resolutions making appropriations for the objects above specified, with the exception of the resolution accepting the proposal of the State Printers for printing the aforesaid work, be and the same are hereby rescinded.

The additional resolutions, passed at the recent January session of the General Assembly, find their place here to complete the official record:—

RESOLVED, That an additional sum of four hundred dollars, or so much thereof as may be necessary to pay for completing the History of the Adoption of the Constitution of the United States by this State, be appropriated and ordered to be paid to the Printers upon the order of REUBEN A. GUILD, endorsed by the State Auditor.

RESOLVED, That the Secretary of State shall cause one copy of the History of the Adoption of the Constitution of the United States by this State to be distributed to each of the new members of the present General Assembly, and five copies to the Editor.

The work now completed cannot fail to be regarded as a most important contribution, not only to the history of Rhode Island, but also to the history of the country at large during her most trying and critical periods. It embodies, as the table of contents shows, THREE HUNDRED AND TEN LETTERS, mostly from

members of Congress, and the Governors of the State. "In this correspondence," says Mr. STAPLES, "are portrayed the daily hopes and fears of the writers on the great subjects that engrossed their attention. It discloses the springs of action which moved them, which springs in many cases are concealed from public view. The destitution, the wants and the dangers of the country are depicted, when the burden of them saddened the hearts of the patriot writers." "And it is quite probable," Mr. STAPLES adds, "that the opinions of the Executive, the General Assembly and the delegates, on State rights, and against any addition to the powers of Congress, had a controlling influence over many individuals on the question of adopting the Constitution of the United States."

Of the labor and patience required to read so many pages of manuscript and proof, I need not here speak. It has been my steady aim throughout to avoid encumbering the work with needless notes, and in no case to alter materially the original copy, confining myself to slight changes in orthography and forms of expression, and a verification of names and dates. With all its faults of omission and commission on the part of the Editor, it is now submitted to the General Assembly, under whose auspices it is published.

R. A. G.

PROVIDENCE, May 4, 1870.

INTRODUCTORY MEMOIR.

HON. WILLIAM READ STAPLES, youngest son of Samuel and Ruth (Read) Staples, was born in Providence, October 10th, 1798. Concerning his childhood and early youth we know but little. He was taught the rudiments of knowledge by Oliver Angell, a teacher in our public and private schools for nearly half a century, and the author of a series of school books, which, in their day, were held in high esteem. He commenced his classical studies in the old Latin School established by President Manning, as early as 1764, and now known as the University Grammar School. The building for its use had recently been erected by the friends of the College, at an expense of some fifteen hundred dollars. Here he was instructed by the Rev. Harvey Jenks, and afterwards by David Avery.

In September, 1813, he entered the Freshman Class of Brown University, then in the zenith of its prosperity under the administration of President Messer. To him, as a revered instructor and guide, he became, during the four years of his college life, warmly at-

tached, and for him he always entertained feelings of profound admiration and respect, which the lapse of time never impaired. The other Professors and Tutors with whom he was associated were Josephus Wheaton, John Bailey, Solomon Drown, William Ingalls, Calvin Park, Levi Wheaton, Tristram Burges, and David Howell. The latter gentleman, although he was Professor of Law in the Institution for thirty-four years, never participated in the ordinary duties of academic instruction. His extraordinary attainments in general literature, and his profound knowledge of the history and principles of Jurisprudence, must, however, have had no little influence in giving an impulse to the studies and pursuits of the graduates of that period, or during Mr. Howell's connection with the College, many of whom, like the subject of the present sketch, attained to eminence as Judges upon the Bench. The names of James Burrill, Tristram Burges, Marcus Morton, Samuel Randall, Theron Metcalf, William L. Marcy, Richard W. Greene, Job Durfee, Charles E. Forbes, Levi Haile, and Samuel Ames, may be mentioned among others, in illustration of this remark. The letters of Judge Howell, it may be added, as published in the present work, show him to have been one of the greatest men of his time, and a leading member of the Continental Congress.

Concerning Mr. STAPLES's character and habits as a student, his classmate, Mr. Greene, has kindly furnished particulars, which we have appended to this Sketch. He graduated in 1817, delivering at the Commencement, an oration on the "Dangers of American Liberty." The members of his class numbered

in all twenty-five. Among those who have deceased may be mentioned the names of Aaron Brooks, the Salutatorian, who was afterwards Tutor and Librarian in the University, Rev. Dr. Henry Jackson, late of Newport, Rev. Dr. E. White, Rev. Prof. E. R. Lippitt, Laban M. Wheaton, the distinguished benefactor of the Female Seminary in Norton, founded by his father, and the late Dr. L. L. Miller of Providence. Among the few members now living are Warren Lovering, of Medway, Massachusetts, Rev. Abel Manning, Rev. Joseph H. Patrick, Hon. Charles Jackson of Providence, and the Hon. William Greene, of Warwick, who delivered the valedictory addresses. We may also mention here, that in 1862, just forty-five years after his graduation, the University conferred upon Judge STAPLES the honorary degree of Doctor of Laws.

Immediately after leaving College, Mr. STAPLES commenced the study of law, with Nathaniel Searle, a graduate of the University under President Maxcy, and one of the most eminent men of the Rhode Island Bar. He was admitted to practice in the courts of the State on the 21st of September, 1819. Although not especially fond of his profession, he devoted himself to it with assiduity, achieving in it a success of which any one might well be proud. His leading tastes were historical and antiquarian, and these guided his studies and shaped his occupations through life.

In November, 1821, he married Rebecca M. Power, eldest daughter of Nicholas and Anna (Marsh) Power, by whom he had two children. Both of these died young. The mother died September 14, 1825. In

October, 1826, he married for his second wife, Evelina, only daughter of Levi and Susan (Howe) Eaton, of Framingham, Massachusetts. With this most estimable woman he lived happily during the remainder of his days. Eleven children were born to them, of whom six are still living, to cherish the virtues and revere the name of a loved and honored parent.

When a city government was inaugurated, in 1832, Mr. STAPLES was elected a member of the Common Council, representing the First Ward. During the two years following he served as Justice of the Police Court. In June, 1835, he was appointed Associate Justice of the Supreme Court of Rhode Island, which position he held upwards of nineteen years. On the 2d of November, 1854, at a session of the General Assembly held in East Greenwich, he was elected to the office of Chief Justice of the Supreme Court, made vacant by the resignation of the Hon. Richard Ward Greene. At the same time, Mr. Alfred Bosworth of Warren, and Mr. Sylvester G. Shearman of South Kingstown, were elected Associate Justices. His health, however, had begun to fail, and in March, 1856, he resigned the office, having held it less than two years. In May following, he was chosen the first State Auditor. This office he also resigned after holding it a few months.

Previous to this time, in January, 1856, Judge STAPLES had been elected Secretary and Treasurer of the Rhode Island Society for the Encouragement of Domestic Industry. Upon the duties of this more congenial office he at once entered with zeal and enthu-

siasm. He imparted to the Association fresh life and energy, collecting valuable statistics for the use of its members, and making it the medium of many advantages to the community. His annual Reports he prepared with special care, incorporating into them important suggestions and instructive facts. This office he continued to fill with increasing satisfaction until his death, a period of nearly thirteen years. The harmony and uninterrupted prosperity of the Society during this period, and its extensive interchange with similar societies, of reports, transactions and correspondence, all bear testimony to his faithfulness and efficiency as its chief executive officer, and the guardian of its funds.

The parents of Judge STAPLES were worshippers at the First Baptist Church, his mother being a member. While a student in College he was connected for a time with the Sunday School of St. John's Episcopal Church, and after his first marriage he continued to worship there, his wife's family being identified with that people. But the simplicity of the belief and practice of the FRIENDS was more congenial to his nature, and for many years previous to his death he was a regular attendant at their religious meetings. Although attached to their peculiarities, he was entirely exempt from a narrow and exclusive spirit. He loved truth and goodness in every form, and in his daily life he endeavored to give a practical illustration of that charity, which is the crowning grace of the gospel.

In his social and domestic relations he was an exam-

ple of strict integrity and of amiable affections. He maintained on all occasions an undeviating attachment to truth and justice; and these he always defended as the only sure foundation of permanent happiness. As a husband, few men were more uniformly affectionate and attentive. He preferred the quiet of his own fire-side to the attractions of society, and here, in the company of those whom he loved, he spent his happiest hours. His surviving widow will fondly cherish in her declining years the remembrance of his kindness that never failed; and his children will not soon forget the fidelity and success with which he blended the tenderness of a friend and the authority of a parent.

He died suddenly, of heart disease, on Monday morning, October 19th, 1868. Although he had been for many years an invalid, there was nothing in his complaints that seemed to threaten immediate danger. Indeed he had been announced to read a paper before the Rhode Island Historical Society on the evening of the 20th. His remains were respectfully interred on Wednesday, the 21st, in the North Burial Ground, attended by members of the Bar, members of the Society of which he had been so long a Secretary, and a numerous train of weeping relatives and friends.

At a meeting of the Providence Bar Association, held in the Court House Wednesday morning, the Honorable Charles Jackson announced the decease of Judge STAPLES, and made the following remarks:—

MAY IT PLEASE THE COURT :—I appear in behalf of the Bar, to announce the decease of Hon. WILLIAM R. STAPLES, a distinguished member of the Bar of this State, and formerly Chief Justice of this

Court. He died on the morning of the 19th inst., at his residence in this city.

Judge STAPLES was an intimate friend of mine, from his boyhood to his death. I was one of his classmates, and was admitted contemporaneously with him to the Bar and the Courts of this State; and, hence, though I retired from the profession many years since to engage in other pursuits, I have been invited to announce his death to the Court. I desire to pay a just tribute to the memory of the deceased, but my feelings are so involved that I must be brief. I will therefore only say, that in his death the Bar and the community have lost a wise counsellor, an able and impartial jurist, a ripe scholar, a learned antiquarian, a most useful citizen, an honest man, and a devout Christian. Let us cherish his memory and profit by his example.

The Attorney-General, Willard Sayles, Esq., presented the following resolutions, which had been adopted at a previous meeting of the Providence Bar Association:—

RESOLVED: That we are assembled to offer a spontaneous and heartfelt tribute to the memory of a good man, who has gone to his rest.

RESOLVED: That as a man and a magistrate, the Hon. WILLIAM R. STAPLES has rendered, in his day and generation, useful services to his profession, to the State, and to society, and deserves to be held in grateful and honored remembrance.

RESOLVED: That while others may delight to recall their esteem of his worth as a citizen, and of his eminent services in fields of historical and antiquarian research, it has now become our province to speak of him as a lawyer and a judge.

RESOLVED: That while his practice at the Bar, before he went upon the Bench, antedates the memory of most of us, we all know from those who knew him, that he was there as he continued to the end, the patient, cautious and accurate student, the conscientious, wise and trusty counsellor.

RESOLVED: That in his long service upon the Bench, whether holding jury trials in the Common Pleas, or presiding over the delib-

erations of the Supreme Court as Chief Justice, his thorough and correct knowledge of the common law, his great experience, his sound judgment and his anxious desire to do justice, enabled him, for a generation, to render services of the greatest value, the memory of which will be transmitted as an important part of the history of the State.

RESOLVED: That while we commemorate his services in our profession, we desire to unite with the whole people in doing honor to the memory of a citizen, who in life won universal respect from all classes of men, and who, in the fullness of years and honors, has gone to his reward.

RESOLVED: That as a mark of respect to his memory, we will attend his funeral as a body.

RESOLVED: That a copy of these resolutions, signed by the Chairman and Secretary, be forwarded to the family of the deceased, and that they be presented to the Supreme Court, with the request that they be entered upon its records.

Mr. Benjamin N. Lapham then addressed the Court as follows:—

MAY IT PLEASE THE COURT:—I join with my brother Hazard in seconding the motion, that these resolutions be entered on the records of the Court. It is well, I think, for the living always to give to the dead that praise to which they are entitled. Ever since I have known Judge STAPLES, I have entertained for him a respect and veneration, such as I have never felt for any other man; and, on this occasion, I deem it both a duty and a privilege, to tender to him the testimonial of my regard for his memory.

I first knew Judge STAPLES about the year 1846. He was then an Associate Justice of the Supreme Court, sitting upon the Bench of the Supreme Court, in the decisions of questions of law, and also sitting in the Court of Common Pleas, in the trial of cases with a jury. Socially, I was not intimate with Judge STAPLES, and I cannot, therefore, speak with discrimination of his domestic, of his social, or of his literary acquirements. My knowledge of him has been principally as a Judge, and I knew him as a Judge, and knew him well, from the time I commenced the practice of law, in 1846,

down to the time when he ceased to be a member of the Court ; and it is, therefore, of him, as a Judge, that I propose to speak.

There is, perhaps, no place in human society I regard so responsible, as that of a Judge, and particularly the position of a Judge of the Supreme Court of a State or nation. And there is no office that requires the exercise of higher and better qualities of intellect, and conscience, and heart, than the office of a Judge, because from the judgments of the Supreme Court there is no earthly appeal. Those judgments must be executed. For their execution the gallows is raised, prisons are erected, and the sword of the executive is bared. Therefore, I say that this office requires the exercise of all those highest qualities that are given to the human mind. And it seems to me that Judge STAPLES possessed many, if not all the qualities of the good Judge. The qualities of a Judge, are : first, that he shall have a thorough knowledge of the law which he is called upon to administer ; that he should know how to apply that law to the business of men in human society ; that he should have a disposition and temper of mind to apply it rightly ; that he should have the industry and application which is to enable him to make that application of the law to the affairs of men, so as to secure the ends of justice. It seems to me that Judge STAPLES possessed all these qualities in a very eminent degree. I do not know that I could say of Judge STAPLES that his theoretic knowledge of the law was the most extensive or the most accurate, but I think I can, with entire safety, say that his knowledge of the law was so general and so comprehensive, that it enabled him to discharge wisely and well all the duties of his office ; and, as far as a knowledge of the local and peculiar usages and customs of Rhode Island was concerned, and a knowledge of her colonial history was concerned, there was no man in the State whose knowledge was surpassed by his. And, as to his power of applying his knowledge to the business of the Court, I think it has rarely been excelled by that of any Judge who has sat upon the Bench in Rhode Island. He had a kind of tact and good judgment, which enabled him to apply the principles of law to the business in hand, so as to secure the desired result, that is, the application of law to the facts of the case in hand, and he always made, in a happy and satisfactory manner, this practical application of the law. This is a rare power. It is a most desirable one for a Judge to possess.

And, as to the spirit in which he discharged the duties of his high office, I think he was particularly characterized by the conscientious regard which he had for the discharge of these duties. No other man ever brought to the discharge of judicial duties, a more serious feeling of the obligation which rested upon him, than Judge STAPLES. Upon the Bench, he presided with propriety, with dignity, with a sort of humility, as though there was resting upon his conscience an obligation, which he discharged, as it were, with fear and trembling. He sat there as a man inquiring carefully and diligently for the truth as it was in the law, as the law had been enacted by the law-making powers, not for the law, as he, in his opinion might deem it proper that it should exist, but for the law as it had been made, and inquiring for the facts in the testimony as the testimony might be presented. Hence, he was always a most patient and grave listener, rarely interrupting or cutting short the counsel in remarks which they had to make to the Court, because he supposed that he apprehended the law without their assistance or counsel; and, in listening to testimony, he was most diligent and careful, rarely ruling out or excluding testimony because he supposed that it might not throw light upon the question of inquiry, but always admitting any and all evidence which he supposed to be of any possible light to help to elucidate the matter in dispute. He was a man industrious, methodical and systematic in the discharge of all his duties. No man more prompt or more diligent than he was. He required of the Clerk of the Court, of the officers in attendance upon the Court, and of the members of the Bar who practiced in his Court, the same promptitude, and the same diligence and attention to business, of which he himself set so worthy an example. The result of all these qualities and of these habits on the part of Judge STAPLES, was manifest in the confidence of the community, which he secured.

The compensation—the pecuniary compensation which was awarded Judge STAPLES for these invaluable services which he rendered to the State, was mere nothing. The State of Rhode Island ought to blush with shame when it recollects the meagre compensation which this man received for all these most valuable services rendered to the State. But there is a kind of compensation which men receive for their well-doing in this world, that cannot be measured by any pecuniary compensation, and I say that Judge STAPLES, as a

reward for the exercise of his high qualities of mind and conscience and heart, did receive from this community a reward which was more grateful to a high-toned man than any other earthly reward a man can receive, and that was the love and the confidence and the esteem of the community; and I think this love and confidence and esteem was bestowed upon him as it has hardly ever been bestowed upon any other man in this community. I think, as was remarked by the classmate of Judge STAPLES, who introduced this subject to the Court, that he has left behind him an example which is worthy to be cherished and imitated by us all.

The following remarks were made by Edward H. Hazard, Esq.:—

Judge STAPLES has built his own monument. There is not a town or village, or hamlet, in the whole State of Rhode Island, in which his name is not cherished in grateful remembrance by those who have attended the sitting of courts in the different counties. It has been my fortune to know something of the public men of Rhode Island. In my deliberate judgment, no man has passed away who has left behind him a purer memory as a Judge, a citizen, and a man. His works will secure his fame. I hope that some man, competent for the task, will treat him as Massachusetts treats her distinguished men, and cause a permanent literary memorial of him to be prepared. I hope that the Chief Justice and your Honor, who knew him as well as any in a literary point of view, will be designated for that work.

Closing remarks were made by the Hon. Judge Durfee, as follows:—

GENTLEMEN OF THE BAR:—I am sensible of the disappointment which will be felt by all, on account of the absence of him who would most fitly have spoken for the Court at this time. Chief Justice Brayton was, for many years, associated with Judge STAPLES upon the Bench, and would, if he were present,* speak of him with the authority of a long and personal intimacy. I can claim no

* Mr. Brayton was confined to his room in consequence of severe illness.

such sanction for anything which I may say. My acquaintance with Judge STAPLES, though he was cordial and friendly to me as the son of my father, was hardly more than casual. Yet such was his individuality, that I suppose that even a casual acquaintance was enough to give quite a distinct impression of his character. From the first, you felt certain of the man. There was not an expression of his countenance, not a tone of his voice, not a glance, not a gesture, that did not avouch his entire sincerity and uprightness. His speech was plain, direct and fearless, and you felt at once assured that what he said he thought, and what he promised he would perform. He had no disguises, for never having played the sophist with himself, he had no disposition to play the hypocrite with others. Indeed, it seemed almost as if he had derived from the old times that he loved so well, the better portion of their simple and sterling virtues, to show us of a later generation, how "express and admirable" they were. From the first, also, you felt that through and through he was sane and vital, and that if there were any twist or eccentricity in his nature, it did not come from disease, but that like the gnarled bole and nodes of the oak, it bore testimony to the strength and sturdiness of a character which refused to surrender to the common place.

For more than twenty years, upon this Bench, as Associate and Chief Justice, he fulfilled the duties of his place much to his own credit and greatly to the acceptance of the people of the State. Besides his perfect integrity, his strong love of truth and alert sense of justice—those fundamental virtues of a good Judge, he brought to the Bench, I am told, an extraordinary quickness of perception, which enabled him, in the hurry of *nisi prius* trials, to master the merits of a controversy with almost intuitive celerity and certainty. Few men could dispose of the business of a court so rapidly as he, and at the same time with so satisfactory a result. It was, doubtless, this quality of his mind, which led him to prefer jury trials to the more laborious examinations of the full Bench, and which led him to sit in the Court of Common Pleas, in preference to sitting in the court of last resort. He was not, I suppose, a man of vast and varied juridical attainments, but being well grounded in the principles of the law, he liked better to decide cases off-hand, upon his first impressions of right, than to pursue the thread of legal inquiry along

the line of imperfect precedent and devious analogy. It is a fine tribute to the soundness both of his intellectual and moral nature, and to the delicate poise of his sensibilities, that in disposing in this way of such multitudes of cases, he gave so seldom any cause for complaint. He retired from the Bench in 1856, but he did not then retire from judicial labors. He continued to be a master in chancery of this Court, and as such, was often employed up to the time of his decease. As a referee, he had, probably, at the time of his death, satisfactorily settled more controversies than any other man living in the State.

Of his valuable services as an antiquarian and as a historian, and of his many merits as a citizen, and as a man, others will more fittingly speak at other times.

He has passed on to the other life. His own home is sadly bereaved, and many another household has lost a fast friend or a wise and faithful adviser. He has gone from us, venerable with years and full of honors, leaving behind him an example which it will be well for us, as has been truly remarked, to cherish.

The resolutions which have been presented and which so aptly characterize his qualities and commemorate his services, will be placed upon the records of the Court; and the Court, out of respect for his memory, will now stand adjourned.

Judge STAPLES was one of the founders of the Rhode Island Historical Society, and for many years, as Librarian and Secretary, gave a large amount of active service in promoting its interests. The following extract from an address delivered before the Society by its President, the Hon. Samuel G. Arnold, finds a fitting place in this connection, presenting as it does an outline of his historical labors, and giving in detail a list of his printed works:—

Aside from his profession, Judge STAPLES's chief pursuits were those of antiquarian research and historical study. These were his delight from boyhood to the close of a long and useful life. An old trunk of manuscript papers, in some neglected garret, would yield

him a keener pleasure than the miser's hoard of gold. There is probably no man living so competent as he was to explain obscure points in our early history. His connection with this Society dates from its foundation, in 1822. He was one of the incorporators, its first Secretary and Librarian, and Cabinet Keeper for the Northern District, and a member of the first Publishing Committee, who, in 1827, published the first volume of our Collections—the *Key to the Indian Language*." In 1835, his first historical work appeared, under the auspices of this Society, as the second volume of its publications. This was Gorton's "*Simplicity's Defence against Seven-Headed Policy*," edited by Judge STAPLES, with copious notes explanatory of the text, and an appendix of original documents referred to therein. This singular work, full of the mysticism of its author, the founder of a religious sect, and a most original thinker, would be almost unintelligible to the modern reader, but for the painstaking spirit of its editor: Between the mystical Gortonist, merging his humanity in the Divine Essence, and the benign Quaker, seeking only to be guided by "the inner light," there was a sufficient similarity of sentiment to awaken in the mind of Judge STAPLES, whose views resembled those of the Friends, a keen interest in the life, the character, and the teachings of the founder of Warwick. He was thus eminently fitted to edit a work from which we derive most of our knowledge of the religious system of Samuel Gorton. No other man could have done it so well, for few would have patience to read it, and still fewer have that taste for the metaphysics of theology, necessary to discover and interpret its meaning. If time allowed, it would be amusing, if not instructive, to cite some passages from the "*Defence*," which to a modern reader sound like unmeaning jargon, but which, in their connection, and with the annotations of the accomplished editor, assume intelligible form. The quaint and often obsolete terms employed, the intricate involutions of sentences, the painful elaboration of ideas, are characteristics common to very many of the works of that age; but when to these difficulties there is superadded the greater one of mysticism, the transcendentalism of the 16th and 17th centuries, the ordinary reader is apt to throw down the book in despair, and the antiquarian finds it no easy task to understand it. This was the labor that Judge STAPLES accomplished in editing Gorton, and we of Rhode

Island owe him a debt of gratitude in that he has rescued from oblivion the intellect, if not the memory, of a truly remarkable man.

In 1836, Judge STAPLES was again elected Librarian and Cabinet Keeper, in place of Mr. Greene, and held these offices for six years, resuming also his former position as Secretary. In 1843, he published the "Annals of Providence,"—one edition of which appeared as the fifth volume of the Society's Collections. This work covers a period wanting but four years of two centuries,—from the settlement of the town, in 1636, to the organization of the City Government, in 1832. It is a book requiring infinite labor, for many of the most knotty problems in our early history are connected with the first thirty years of these annals. Indeed, after the adoption of the Royal Charter, the history of the State becomes comparatively easy to trace, although there still remain many obscure points relating to the town, especially at the time of King Philip's war, when the town was almost abandoned and was partially burned.

Upon all obscure passages Judge STAPLES has poured a flood of light, by his unwearied pains in searching out, studying, and comparing all the ancient manuscripts upon which he could lay his hands. He was a mouser among old papers. A tavern bill or a sheriff's writ was as important to him—in evidence upon some doubtful point—as a town treasurer's receipt or an act of the General Assembly. In fact, the destruction of most of the records during the Indian war, and the damage sustained by the remainder from being thrown into the water for safe keeping, at that time, makes it necessary to have recourse to private papers and old family letters and accounts, to establish many facts of which, till he substantiated them in this way, tradition was the only evidence. His diligence has preserved the record of many interesting events which, but for him, would have been lost forever. The "Annals of Providence" is indeed a mine of facts and statistics upon almost every subject that has a history, and they are so arranged as to be readily found, even without consulting the index. I cannot convey an adequate idea of the assistance derived from this work in writing the History of the State. There are but two that approach it in value to the historical student—Knowles's Roger Williams, and Potter's Narragansett. Nearly a quarter of a century passed after the "Annals" appeared, during which the Society showed to the outer world no signs of life.

The want of a publishing fund was the cause of this stagnation, and to remedy the evil, Judge STAPLES and a few other members attempted to raise by subscription a sufficient sum to enable the Society to print at least one volume a year from its collections; but thus far the labor has been in vain. But the Judge himself was not idle during all this time. In 1845, he compiled a "Documentary History of the Destruction of the Gaspee," which first appeared as a serial in the *Providence Journal*, and was then published in pamphlet form. In 1847—just two hundred years after the meeting of the first General Assembly and adoption of the code of laws under the Parliamentary Charter, he published the *Proceedings and Code*, with brief but valuable comments thereon. Besides these historical works, he prepared in 1859, a "Collection of Forms," as a guide to persons having to draw up legal papers. This completes the list of his printed works, except the Reports of the Society of which he was Secretary. His last historical labor was a history of the State Convention of 1790, for the adoption of the Federal Constitution. This was prepared under a vote of the General Assembly. It was completed but a short time before his death, and has not yet been printed.

In concluding this imperfect sketch of the life and services of Judge STAPLES, mention should be made of his favorite idea in regard to a monumental history of the State. He desired to see appropriate monuments erected to the great names of the past which should preserve their memories to remote generations. In this he included the Indian Sachems as the loyal friends and preservers of the infant colony. He would commence with Miantonomi and Canonicus, for whom he proposed rough granite boulders, typical of the rude and majestic characters of these aboriginal lords of Rhode Island. Then, coming down through successive periods, he would illustrate the colonial, revolutionary, and later eras, placing these monuments near the scenes of the exploits they were to commemorate, and so spreading all over the State enduring testimonials of the mighty past. The idea is too good a one to be lost, and should it ever be carried out, it would in itself be a fitting tribute to the genius and the services of WILLIAM READ STAPLES.

No allusion, in the foregoing extract, is made to the numerous articles which Mr. STAPLES furnished



for public journals and magazines, relating mostly to genealogical and historical antiquities, or to questions of jurisprudence and civil rights. Among the latter should be mentioned his legal opinion on the claim of the State to the "Cove Lands," which was published in a pamphlet form at the expense of the city. This is a remarkable document, showing research and a thorough knowledge of the subject, and contributing perhaps more than anything else, to a happy settlement of the controversy which called it forth.

The following letter from the Hon. William Greene, of Warwick, forms a fitting close to this introductory memoir:—

WARWICK, March 7, 1870.

DEAR SIR:—My recollections of my deceased friend and class-mate, STAPLES, in college life, are rather of general traits of character than of particular incidents illustrative of them. The industry, truthfulness, and decision of mind, which achieved so much for him in subsequent life, were quite as remarkable in his earlier as in his later years. His industry was indefatigable; and his habit of attention to routines of duty was correspondingly exact. His study was at his home, some mile from the college; and he was rarely seen upon the college grounds except at Prayers, Recitations and Society Meetings. From the first two of these, I think it may be said with literal truth, that he was never absent. At all seasons of the year and in all conditions of the weather, he was ever among the first at Prayer and Recitation; and in regard to the latter of these exercises, no member of his class was more thoroughly master of his lessons than he. His bearing in all the relations connected with his college duties, was that of an earnest, persevering man of business, who had a work to do, and was determined to do it. His career in life shows how well he was grounded in the habits which were certain to lead him to a marked distinction.

In the general culture of his mind, Mr. STAPLES was exact in testing everything by the standard of truth and justice. In this par-

ticular of his character, there was somewhat like mathematical precision; the effect of which doubtless was that decision of mind for which his whole life was so remarkable. His opinions, upon whatever subject, after careful and conscientious analysis, became deep convictions, and quite unchangeable. This may have led a casual observer to mistake pertinacity of judgment, for obstinacy of temper. But according to my understanding of him, his unyielding adherence to an opinion deliberately formed, was simply a submission of his mind to what he believed to be thoroughly ascertained truth.

The cast of mind here suggested would be apt to make him a good *Judge*, while it might fail to make him a very successful *lawyer*. The office of the Judge demands the exactest observance of the *justice* of the case. That of the lawyer, is necessarily more or less determined by what seems to be the interest of the client; and if my estimate of Mr. STAPLES in this bearing be a just one, the conscientious feeling would be apt to predominate too strongly to admit of his being a good advocate of a bad cause.

When I first heard of his elevation to the Bench, I felt quite sure that the choice would prove a wise one. Not so much, however, because of his juridical attainments, (for I had had no opportunity of knowing much about them,) as of his strong common sense and clear-minded perception of what was right. With these latter traits, he would be more likely to be governed in his judgments by his own studied views of justice, than by the learning called "authority," which might often set him in opposition to them. Perhaps in this connection, it may not be out of place to venture the opinion, that the *ablest* Judges have not always been the most *learned*; for the very reason, perhaps, that they have given to their own thoughts the time which is too often, if not most generally, given to the *learning* which embodies the thoughts of others. If I do not greatly mistake, the great power of Mansfield, Marshall, Parsons and Webster, came vastly more from their own original generalizations, than from the recorded discussions of books of law. Such minds might be helped by these, but not controlled by them. They would give the law of a case, and leave to minds of another cast to "hunt up the authorities." I do not mean by this to decry learning; nor to speak slightly of it; but rather to protest against the *thralldom* of it.

Mr. STAPLES was a good and well studied classical scholar. There

are those surviving of his college companions, who will remember him as the founder of the Phi Rho Epsilon Society, for the special cultivation of the Greek language and literature. It was a decided success under his close and careful management. I do not know that the society survived his graduation from the college. It probably did not; but at any rate, sooner or later, it shared the fate of the Philermenian and United Brothers Societies, those noble institutions which are represented as being now, through some strange untoward influence, substantially defunct; and their fine and well chosen libraries scattered to the winds.

During his college life, I believe Mr. STAPLES attended exclusively and constantly the Friends Meeting; and I have reason to believe that his religious sentiments were, at that time, substantially in accordance with those of the Friends' persuasion. But in conversations with him, within the last six months of his life, I felt that I had a right to infer that he had no controlling *dogmatic* belief. He professed the profoundest reverence for the great principles of human duty, and regarded Christianity as, in the highest sense, inculcating them. But it was evident to me, that any form of theology that gave to these but a secondary position in the relations of life, was, in his judgment, rather speculative than substantial; and, at any rate, involved in too much moral uncertainty, to justify intelligent belief.

My last conversation with this remarkable and eminently good man, was mainly upon the philosophical writings of Cicero; and especial comment arose upon the Essay "De Senectute." His remarks were emphatic upon the closing paragraphs on the immortality of the soul. Independently of all other sources of opinion, the argument from these paragraphs, though necessarily strictly philosophical, seemed complete for his conviction.

The career of Mr. STAPLES, in all that belongs to industrial power, truthful demonstration, and manly decision of character, was a model for the adoption of any young man, who, eschewing the shams of life, would make the most of its realities; and who, most worthily fitting himself for its duties, would most certainly assure himself of its rewards.

Respectfully and truly yours, etc.,

WILLIAM GREENE.

REUBEN A. GUILD, Esq.

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CHAPTER I.

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CONGRESS OF 1765—Causes that led to it—Oppressive acts of Parliament—Petitions from the Colonies—General Assembly—Destruction of the armed sloop Liberty in Newport Harbor—Boston Massacre—Schooner Gaspee boarded and burned on Namquit Point—Efforts of the British Government to discover the perpetrators of the deed—Tea thrown into Boston Harbor—Boston Port Bill—Resolutions of the Freemen of Providence relating thereto—Day of fasting and prayer appointed in Virginia—Action of the General Assembly approving a Congress and appointing Delegates thereto—Resolutions of the Massachusetts House of Representatives—Commission of the Rhode Island Delegates—Meeting of Congress in Carpenter's Hall, Philadelphia, September 5, 1774—Proceedings—Letter from Samuel Ward to Governor Wanton—Return of Delegates—Report to General Assembly and resolutions thereon—Account of expenses of Ward and Hopkins as Delegates to Congress—Proposition for a General Congress adopted by Providence in advance of any municipal or colonial action on the subject—Ward and Hopkins appointed Delegates to another Congress—Instructions of the General Assembly—Battles of Lexington and Bunker Hill—Commission of the Delegates—Signed by Secretary of State—Joseph Wanton elected Governor—Office of Governor declared vacant by the General Assembly because of the Tory opinions of the incumbent—Correspondence between Wanton and General Assembly—Nicholas Cooke elected Governor in place of Wanton—Remarks on proceedings against Governor Wanton—Meeting of Congress, May 10, 1775—Proceedings—Character of the members—Legislature of Rhode Island after the battle of Lexington—Army of Observation—Nathanael Greene appointed Brigadier General—Church, Hitchcock and Varnum appointed Colonels—Return of Samuel Ward from Congress and his report to General Assembly—Resolutions thereon—Further instructions to the Delegates, embracing the earliest action of any Colony in favor of a Continental Navy—First Naval force employed in the United Colonies—Letter from Gov. Cooke to Hopkins and Ward respecting—First American fleet,

under command of Esek Hopkins—Sailed on their first cruise Feb. 17, 1776—Arrival of Commodore Whipple at Philadelphia—Letter from Samuel Ward respecting—Letter from Gov. Cooke to Ward and Hopkins—Adjournment of Congress to Sept. 5—Letter from Gov. Cooke to Ward and Hopkins on the manufacture of Saltpetre—Bills of credit—Measures pursued by Rhode Island to give them value and currency—Letter from Samuel Ward to Gov. Cooke—Removal of cattle and sheep from the islands in Narragansett Bay—Memorial from Rhode Island to the Continental Congress, respecting her inability to defend herself and praying for assistance—Letter from Gov. Cooke accompanying—Letter from Gov. Cooke to Delegates in Congress—Death of Samuel Ward—Character—Resolutions of General Assembly respecting—Summary of the acts of Congress—Review of the labors and honors of the Delegates from Rhode Island.

WITH the Congress of 1765, commenced a new epoch in the history of the English colonies in North America. From the time of the planting of the first of these colonies, the leading object of the legislation of the mother country in relation to them, was to make and keep them dependent on her. To this end, she monopolized their trade and commerce, limited their manufactures and controlled all their industrial pursuits. The colonists rendered an unwilling obedience to such laws, and this only when it could not be avoided. The exigencies of their situation, the weakness and poverty of their new settlements, and the dangers to which they were exposed from their Indian and French neighbors, compelled them to bear illegal impositions in comparative silence. It was the price that they paid for the protection they needed and received from the mother country. The conquest of Canada left the colonies in peace and safety. The wars that led to it taught them their strength, and diminished their feeling of dependence. The same wars had increased the debt of Great Britain. On the ground that the colonies had been especially benefited by these wars, Parliament imposed specific duties on certain enumerated articles that should be imported by them, and more stringent measures were adopted for the collection of all

custom house dues. The powers of the Vice Admiralty courts here were increased and a stamp act was proposed. These and other similar measures excited a feeling of insecurity and alarm in the minds of the colonists, which led to the calling of the Congress of 1765. With this Congress a new era in the history of the colonies was inaugurated. Then they, for the first time, assembled in a Congress on their own motion. Then they met, for the first time, to consult upon their rights and to seek redress for their wrongs. The means proposed and adopted were, "a general and united, loyal and honorable representation of their condition to His Majesty and the Parliament, and to implore relief."

Parliament refused to receive their petition. They were proffered no relief by His Majesty. But they learned their own strength by this meeting, and were made conscious of the importance of thus assembling together, by the violent opposition manifested by the British government against it. The stamp act was passed before this Congress convened, to go into operation at a time subsequent. But such was the general feeling of hostility throughout the colonies to these measures, that this act was soon repealed, and, before the day appointed for it to go into operation, the act imposing impost duties was greatly modified. Parliament accompanied these conciliatory measures with a new act declaring that they had the power to bind the colonies in all cases whatever—an act which would not confer the power, if they did not possess it, any more than could the acts of the colonies, denying its existence, destroy it, if it really existed.

In 1767, Parliament passed an act imposing an impost duty on certain articles imported into the colonies, and took especial care to insert in its preamble, that it was passed for the purposes of revenue. They also authorized the appointment of a Board of Commissioners to be located at Boston, for the purpose of enforcing the laws relating to the trade

and commerce of the colonies. The House of Representatives of the Province of Massachusetts Bay remonstrated by petition to the home government against these acts and by a circular to the other colonies, advised them of the steps they had taken, and called on them to present similar petitions. This circular gave great offence to the British government. As soon as the news of it reached England, an order was dispatched to Massachusetts for that Province to rescind it. The other colonies were at the same time admonished that "it was a matter of dangerous and factious tendency, * * calculated to produce an unwarrantable combination." Massachusetts refused to rescind it. The Colony of Rhode Island forwarded to England a petition similar to the one sent from Massachusetts, and in relation to the circular of Massachusetts, they replied to the admonition of the English Secretary, that they were surprised "that an attempt to unite fellow subjects, laboring under the same hardships, in petitioning the throne in a constitutional and loyal manner for redress, should be termed 'a factious and unwarrantable combination.'" Instead of treating it with contempt, as advised by the Secretary, they said that they "think themselves bound in duty to themselves and to their country to approve the sentiments contained in it." The most efficient measure adopted by the colonists against these acts of Parliament, was their agreement not to import any goods charged with an impost duty. Committees of correspondence had been formed in most of the colonies, and through them a uniformity of action was greatly promoted.

In 1768, the Secretary of State for the colonies wrote to the Governor of this Colony, complaining that his letters to the Governor had been by him communicated to the Legislature, adding that it was His Majesty's pleasure that this course should not be pursued "unless you have His Majesty's particular direction to the contrary." This letter was laid

before the Legislature, although it did not contain "His Majesty's particular direction" to that effect. The reply from Gov. Wanton stated, that by the charter the supreme authority in the Colony was vested in the General Assembly, and that by the constitution all letters, correspondence and intelligence relating to public affairs must be laid before that body, adding: "Your Lordship must perceive that it is not in my power to comply with this instruction without acting diametrically opposite to the constitution of the Colony." This reply undoubtedly curtailed the correspondence between His Lordship and the Governor. In January, 1768, the Secretary required that all the laws and resolutions passed by the General Assembly should be transmitted to him. In September of the same year, and again in February, 1770, he required a copy of "The Journal and Proceedings of the General Assembly" to be sent to him at the end of each session. After the receipt of these letters, "The Journal and Proceedings" are so very meagre on the subjects in controversy between the colonies and Great Britain, as to create a suspicion that such matters were discussed and debated in the General Assembly, but were not suffered to ripen into "acts" or "resolutions," so as to appear on their journal.

Difficulties soon arose between the Commissioners of the Customs at Boston and the colonists. The latter had too long been accustomed to disregard revenue laws to be readily controlled by custom house officers. Troops were sent to Boston, then the hot-bed of discontent, and to other places, and the number of vessels in the revenue service was increased, to aid the Commissioners. Their presence gave rise to greater discontent. In July, 1769, the armed sloop Liberty, having brought two vessels into Newport harbor on suspicion of illicit trade, an altercation arose between the crews of the captured vessels and their captors. The people of Newport, of course, took part with the former, and

"the Liberty" was boarded, scuttled and sunk, and her boats drawn through the streets in triumph, while the captured vessels escaped. In March, 1770, occurred "the Boston Massacre," so called, in which several persons lost their lives in a conflict with the troops stationed there. Parliament, in February, 1769, added to the discontents of the colonies, by an address to the King, advising an inquiry by the Governor of Massachusetts in relation to the disturbances at Boston, to the end that the persons implicated in them might be sent to England for trial. This, the colonists alleged, was an infringement of the right of the accused to a trial by a jury of the vicinage, and that it deprived them of witnesses in their behalf.

In May, 1769, the colonies were notified that the act of Parliament imposing impost duties for the sake of revenue would, on the ground of commercial policy, be repealed, the duty on tea only excepted. The repeal followed in 1770. Enough, however, remained of the revenue acts and acts of trade enforced by the Board of Commissioners, with troops and armed vessels, to keep up the irritation. The abstract right of taxation by Parliament without representation, was involved in the three penny duty on tea, which had been retained, and the act of Parliament declaring their right to bind the colonies in all cases whatever, remained in full force. The repeal, however, produced a comparative calm. The non-importation agreements were rescinded in most of the colonies, except as to tea.

This calm was disturbed in 1772, by the destruction of the armed schooner *Gaspee* in Narragansett Bay. In chasing a packet sloop up the bay, the *Gaspee* ran aground on Namquit Point, and in the night following was boarded and burned by a party from Providence. The commander, Lieutenant Duddington, was wounded while the party were approaching the *Gaspee*. This high-handed act induced a royal

proclamation, offering heavy rewards for evidence to convict the leaders and a pardon to any one concerned who would give evidence against them. A commission was transmitted to Gov. Wanton and to the Chief Justices of Massachusetts, New York and New Jersey, and to the Vice Admiralty Judge at Boston, to inquire into the facts and to report to the Governor of this Colony, so that the persons engaged in it might be sent to England for trial. After a protracted session, they adjourned without eliciting any evidence against any person, although the principal actors were well known, and the enterprise had been planned at a noted public house, and the persons engaged in it had embarked from a public wharf in the early part of the evening, without assuming any disguises. The commissioners were all loyalists, and not negligent in discharge of their duties under their commission. It was the state of public feeling that baffled their efforts. Other colonies were not idle spectators of their proceedings. The proposition to send the accused to England for trial, awakened anew the discussion of the right of all persons accused of crime, to be tried by a jury of the vicinage. At this time a three penny duty on tea was the amount of revenue sought from the colonies. They had confederated not to import it. Large quantities found their way into the colonies from Holland duty free. To secure this duty and to secure the right to impose it, Parliament authorized the East India Company to transport their teas to America, and to receive back the duties paid on its importation into England. By this means the company could afford to sell their teas at a less price, after paying the duty here, than the teas smuggled from Holland commanded. Aware that these teas would be used if imported, and so in fact the duty would be paid by the colonists, they resolved that they should not be landed or sold. Through their committees of correspondence, this arrangement was extended to all the ports where

these teas were expected. The teas were shipped from England, but on their arrival in this country the consignees refused to receive them, and in some instances the vessels containing them returned without discharging their cargoes. This was not permitted to the vessels that arrived at Boston, and to prevent the landing of the tea the people emptied two cargoes of it into their harbor. Papers relative to this transaction were laid before Parliament in March, 1774. Before the close of that month, a bill passed both houses shutting up the port of Boston until satisfaction should be made to the East India Company for the teas destroyed. News of this act reached Boston May 10. On the 13th of the same month, a town meeting assembled to take the matter into consideration. Instead of producing despondency or submission, the act was denounced as cruel, tyrannical and unjust by the inhabitants, who nerved themselves for resistance. They solicited the other colonies to come to a joint resolution to stop all importations from, and exportations to Great Britain and every part of the West Indies, until it should be repealed, expressing the opinion that such an agreement "would prove the salvation of North America and her liberties." The Boston Committee of Correspondence immediately communicated the news of the passage of the Boston Port Bill to all the colonies.

On receipt of this news, the freemen of Providence assembled in a town meeting on the 17th of May. As the result of their proceedings they

RESOLVED, That this town will heartily join with the Province of the Massachusetts Bay and the other colonies, in such measures as shall be generally agreed upon by the colonies, for protecting and securing their invaluable rights and privileges, and transmitting them to the latest posterity. That the deputies of this town be requested to use their influence, at the approaching session of the General Assembly of this Colony, for promoting a Congress as soon as may be of the representatives of the general assemblies of the several colonies and provinces of North America, for establish-

ing the firmest union, and adopting such measures as to them shall appear most effectual to answer that important purpose, and to agree upon proper modes for executing the same. That the Committee of Correspondence of this town be desired to assure the town of Boston, that we consider ourselves greatly interested in the present alarming conduct of the British Parliament towards them, and view the whole English colonies equally concerned in the event, and that we will with the utmost firmness act accordingly, whenever any plan shall be agreed on. In the meantime we are of opinion that an universal stoppage of all trade with Great Britain, Ireland, Africa and the West Indies, until such time as the port of Boston shall be reinstated in its former privileges, will be the best expedient in the case, and that a proper time should be agreed on for the same universally to take place.

The General Assembly of Virginia was in session when the news of the passage of the Boston Port Bill arrived there. On the 24th of May, the House of Burgesses appointed the first day of June, that being the day on which that act was to go into effect, "a day of fasting, humiliation and prayer, devoutly to implore the Divine interposition for averting the heavy calamity which threatened destruction to their civil rights, and the evils of civil war; to give them one heart and one mind to oppose, by all just and proper means, every injury to American rights." The Governor immediately dissolved the Assembly. The greater part of the members assembled on the 27th, and issued an address to the people of that Province, replete with patriotic sentiments. In it they recommended to the Committee of Correspondence, "to communicate with their several corresponding committees on the expediency of appointing delegates from the several colonies of British America, to meet in General Congress, at such place annually as shall be thought most convenient, there to deliberate on those general measures, which the united interests of America may from time to time require." That Committee, in a letter dated May 28, communicated the proposal to the Committee of Correspondence of this Colony. A committee of correspondence was appointed in New York

on the 16th of May, which committee on the 23d, proposed the calling of a General Congress. We have taken some pains to fix these dates accurately, in order to ascertain when and where the project of such a Congress was first entertained by any municipal organization. But none has been found so early as that at which the town of Providence proposed the measure in a legal town meeting. The General Assembly of this Colony, stood adjourned to meet on the second Monday in June, the 13th day of that month. On Tuesday, the 14th, the session actually commenced, and on the next day they passed the following resolutions:—

This Assembly, taking into the most serious consideration several acts of the British Parliament for levying taxes upon His Majesty's subjects in America without their consent, and particularly an act lately passed for blocking up the port of Boston; which act, even upon the supposition that the people of Boston justly deserved punishment, is scarcely to be paralleled in history for the severity of the vengeance executed upon them; and also considering to what a deplorable state this and all the other colonies are reduced, when by an act of Parliament, in which the subjects in America have not a single voice, and without being heard they may be divested of property and deprived of liberty, do upon mature deliberation resolve—

1st. That it is the opinion of this Assembly that a firm and inviolable union of all the colonies, in counsels and measures, is absolutely necessary for the preservation of their rights and liberties, and that for this purpose a convention of representatives from all the colonies ought to be holden in some proper place, as soon as may be, in order to consult upon proper measures to obtain a repeal of the said acts, and to establish the rights and liberties of the colonies upon a just and solid foundation.

2d. That the Hon. Stephen Hopkins and the Hon. Samuel Ward, Esqs., be, and they are, hereby appointed by this Assembly to represent the people of this Colony in a General Congress of representatives from the other colonies, at such time and place as shall be agreed upon by the major part of the committees appointed, or to be appointed by the colonies in general.

3d. That they consult and advise with the representatives of the other colonies who shall meet in such Congress, upon a loyal and dutiful petition and remonstrance to be presented to His Majesty, as the united voice of his faithful subjects in America; setting forth the grievances they labor

under, and praying his gracious interposition for their relief; and that in case a major part of the representatives of all the colonies shall agree upon such petition and remonstrance, they be empowered to sign the same in behalf of this Colony.

4th. That they also consult and advise upon all such reasonable and lawful measures as may be expedient for the colonies in an united manner to pursue, in order to procure redress of their grievances and to ascertain and establish their rights and liberties.

5th. That they also endeavor to procure a regular annual convention of representatives from all the colonies, to consider of proper means for the preservation of the rights and liberties of the colonies.

6th. That the Speaker of the lower house transmit, as soon as may be, copies of these resolutions to the present or late speakers of the respective houses of representatives of all the British colonies upon the continent.

These resolutions passed both branches of the Legislature, and had all the forms of law, and the delegates appointed were the legal representatives of the Colony. The resolutions were transmitted to the other colonies, accompanied by the following letter:—

NEWPORT, June 20, 1774.

SIR:—Agreeably to the directions of the General Assembly, I have the honor to enclose to you a copy of certain resolutions entered into by them respecting the very alarming situation of the colonies. I have also to inform you that upon this occasion the Assembly have adjourned to the fourth Monday in August next.

I am, with great regard, Sir,

Your most humble servant,

METCALFE BOWLER,

SPEAKER.

It will be noticed that no time or place for the meeting of the proposed Congress is named in the resolutions of this Colony. This was left to be suggested by the Province of Massachusetts Bay, the legislature of which commenced its session on the last of May, and had been adjourned to the 7th of June, then to meet at Salem. There, on the 17th of June, the House of Representatives of that Province passed the following resolutions:—

PROVINCE OF THE MASSACHUSETTS BAY, }
IN HOUSE OF REPRESENTATIVES, June 17, 1774. }

This House having duly considered and being deeply affected with the unhappy differences which have long subsisted, and are increasing between Great Britain and the American colonies, do

RESOLVE, That a meeting of committees from the several colonies on the continent is highly expedient and necessary, to consult upon the present state of the colonies and the miseries to which they are and must be reduced by the operation of certain acts of Parliament respecting America ; and to deliberate and determine upon wise and proper measures, to be by them recommended to all the colonies, for the recovery and establishment of their just rights and liberties, civil and religious, and the restoration of union and harmony between Great Britain and her colonies, most ardently desired by all good men. Therefore

RESOLVED, That the Hon. James Bowdoin, Esq., the Hon. Thomas Cushing, Esq., Messrs. Samuel Adams, John Adams and Robert Treat Paine, Esqs., be, and they hereby are, appointed a committee on the part of this Province for the purposes aforesaid ; any three of whom to be a quorum to meet such committees or delegates as have been or may be appointed either by their respective houses of burgesses or representatives, or by convention, or by the committees of correspondence appointed by the respective houses of Assembly, in the city of Philadelphia, or any other place that shall be judged most suitable by the committees, on the 1st day of September next, and that the Speaker of the House be directed, in a letter to the speakers of the houses of burgesses or representatives in the several colonies, to inform them of the substance of these resolves.

The Boston Port Bill was not the full measure of retribution and vengeance that the ministry of King George meted out to the Province of the Massachusetts Bay. On the 20th of May, a bill for the better regulating of the government of that Province received the royal assent. This deprived the people of that Province of most important rights secured to them by their charter. Members of the council, previously chosen by the legislature, were, after August 1, to be appointed by His Majesty, and to hold their offices during his pleasure. No town meeting, except the annual one for the choice of town officers, could be held after that time,

without the written assent of the Governor, which prescribed the business to be transacted. By another act, persons indicted for acts done in suppression of riots and tumults, could be sent by the Governor to any other colony or to Great Britain for trial.

The Province became intensely excited by these acts of Parliament, which threatened ruin to the citizen, the capital and the Province itself. The other colonies sympathized with them. They read their doom in the measures pursued against Massachusetts. No course of proceeding could have been adopted that would have united the colonies more closely. Nothing could have been done that would have ensured so large a representation in the proposed Congress.

The delegates from this Colony received a commission under the seal of the Colony, in the following form :—

BY THE HON. JOSEPH WANTON, Esq., Governor, Captain General and Commander-in-Chief over the English Colony of Rhode Island
[L. s.] and Providence Plantations in New England, in America, to the Hon. Stephen Hopkins, Esq., and the Hon. Samuel Ward, Esq.,
Greeting :

Whereas, the General Assembly of the Colony aforesaid have nominated and appointed you, the said Stephen Hopkins and Samuel Ward, to represent the people of this Colony in a general Congress of representatives from this and the other colonies, at such time and place as should be agreed upon by the major part of the committees appointed or to be appointed by the colonies in general ; I do therefore hereby authorize, empower and commissionate you, the said Stephen Hopkins and Samuel Ward, to repair to the city of Philadelphia, it being the place agreed upon by the major part of the colonies, and there, in behalf of this Colony, to meet and join with the commissioners or delegates from the other colonies, in consulting upon proper measures to obtain the repeal of the several acts of the British Parliament for levying taxes upon His Majesty's subjects in America without their consent, and particularly an act lately passed for blocking up the port of Boston ; and upon proper measures to establish the rights and liberties of the colonies upon a just and solid foundation, agreeably to the instructions given you by the General Assembly.

Given under my hand and the seal of said Colony, this 10th day of

August in the year of our Lord 1774, and the 14th of the reign of His most sacred Majesty George the Third, by the grace of God King of Great Britain, etc.

J. WANTON.

By His Honor's command, HENRY WARD, Secretary.

Invested with these powers, and accredited by the foregoing commission, the delegates of this Colony left Rhode Island for Philadelphia, to discharge the important duties imposed on them. They performed the journey, each in his own carriage, attended by a servant. At Philadelphia they met delegates from New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and the counties of Newcastle, Kent and Sussex in Delaware. They assembled in Carpenter's Hall, on the 5th of September, and organized their meeting by electing Peyton Randolph, a delegate from Virginia, for President, and Charles Thompson, a citizen of Philadelphia, for their Secretary. Some of the delegates produced certificates of appointment from the house of representatives or burgesses, and others from the committees of correspondence of the colony they represented. Their powers varied as much as the sources from which they were derived, but they all looked to one object, the repeal of the oppressive and unconstitutional acts of the British Parliament, and to the prevention of future aggression on the rights and liberties of the colonies. Generally they were empowered only to petition and remonstrate, and were required to report to the body that appointed them, or to the legislature or house of representatives of the colony they represented. The powers of the delegates from Rhode Island were as ample as those of any other delegates. The number from the different colonies varied considerably, but the inequality was in part remedied, by agreeing that each colony should have one vote. The whole number in attend-

ance varied from forty-three to fifty-three. After a few days they adjourned from Carpenter's Hall to the State House. They held all their sessions with closed doors, and under a general injunction of secrecy. Mr. Randolph acted as President, until sickness on the 22d of October occasioned his absence. Henry Middleton, of South Carolina, succeeded him as President, until the end of the session, October 25th.

On the 6th of September, the Congress resolved to appoint a committee "to state the rights of the colonies in general, the several instances in which those rights are violated or infringed, and the means most proper to be pursued for obtaining a restoration of them." The day following, two delegates from each colony were appointed on this committee. At the same time they agreed to the appointment of another committee, "to examine and report the several statutes which affect the trade and manufactures of the colonies," to consist of one delegate from each colony. Mr. Hopkins was the one selected from this Colony.

The principal measures adopted by this Congress were: "A Declaration of the rights of the Colonies, and a list of the infringements and violations of them;" "An Address to the People of Great Britain;" "An Address to the Inhabitants of the Colonies they represented;" "An Address to the Inhabitants of the Province of Quebec," and "A Petition to the King." They signed "An Association," binding themselves and their constituents not to import from Great Britain or Ireland any goods whatever, or from any other country any goods the growth or manufacture of Great Britain or Ireland, nor any East India tea from any part of the world after the first day of December, and not to use any of such goods imported after that time. In the same instrument they also agreed that if their grievances were not removed before September 10, 1775, they would not export any commodity to Great Britain, or Ireland, or the West Indies after that day. These measures were adopted after long and care-

ful deliberation and discussion, as appears from their records. It is matter of deep regret that those records do not contain the arguments or even the names of the delegates that advocated them.

It is probable that many letters were sent by the delegates to the Governor of the Colony during the session of the Congress. The only one known to be preserved, which refers at all to public affairs, is the one that follows:—

PHILADELPHIA, Oct. 3, 1774.

SIRS:—We should, with pleasure, have communicated to you the proceedings of the Congress from time to time, but the resolution to let nothing transpire without express direction, would not admit it, but we may with propriety, we believe, observe that from the resolutions unanimously come into by the Congress upon the resolves of the county of Suffolk, which were immediately published with these resolves, some estimate may be formed of the general sentiments of the Congress.

We take this early opportunity of acquainting Your Honor, that a non-importation from Great Britain and Ireland is agreed upon, to take place the first day of December next, and a general non-exportation on the tenth day of September next; non-exportation of several commodities to different parts to commence immediately, or very soon, is under consideration, and we think will probably be resolved upon. Whenever any measures are adopted the communication of which will either give pleasure to the Colony or promote its interest, we shall, the moment we are at liberty, give you the earliest intelligence of them.

The magnitude of the subjects before the Congress, the peculiar circumstances of delicacy and intricacy in which they are involved, the danger of taking a false step in a matter of such vast importance, and the necessity of adopting every proper measure cannot fail to lengthen the session.

What has been done we hope will be honored with the approbation of the Colony. Much still remains to be done, and however striking the ideas of our friends and connections at home may be after a long absence, we shall cheerfully continue here as long as the service of our country requires it; and we hope faithfully to exert our utmost endeavors in this arduous undertaking for the common good of America.

We are, with regard, your Honor's most ob't and humble servants,

SAM. WARD.

To the Hon. JOSEPH WANTON, Esq.

P. S. When the above was written, Mr. Hopkins was expected in town ; but not being yet returned and the vessel ready to sail, I am forced to write singly.

The delegates from this Colony arrived home after the close of the October session of the General Assembly. During that session a vote was passed, requesting the Governor "to call them together as soon as he should think proper, within one week after the arrival of the delegates from the General Congress." He therefore called a special session, which was held on the first Monday in December. The delegates attended this session and made report of the proceedings of Congress, probably a verbal one, as there is no report on file. The Assembly passed the following resolutions :—

WHEREAS, The Hon. Stephen Hopkins, Esq., and the Hon. Samuel Ward, Esq., delegates from this Colony in the Continental Congress held at Philadelphia, in the Province of Pennsylvania, on the 5th day of September, 1774, this day made report of the proceedings and resolutions of said Continental Congress, consisting of "The Bill of Rights," "A list of Grievances," "Occasional Resolves," "The Association," "An Address to the People of Great Britain," "A Memorial to the Inhabitants of the British American Colonies," "An Address to the Canadians," etc., all which being read and maturely considered,

IT IS VOTED AND RESOLVED, That the same be and is hereby accepted and approved.

IT IS FURTHER VOTED AND RESOLVED, That the thanks of this Assembly be, and they are, hereby given to the delegates of this Colony in particular and to the members of said Continental Congress in general for the wise, faithful and spirited discharge of the important trust reposed in them.

AND IT IS FURTHER VOTED AND RESOLVED, That it be, and hereby is, recommended to the several towns in this Colony to choose committees agreeably to the eleventh article of the said Association, for the purposes therein expressed.

AND IT IS FURTHER VOTED AND RESOLVED, That the Secretary be, and he is, hereby directed to send printed copies of said Bill of Rights, List of Grievances, the Association, Addresses and Memorial, and also of this vote to each member of both houses of this Assembly and to all

such other officers within this Colony, as the schedules are by law transmitted to.

No provision had been made for the payment of these delegates for their expenses or services. When they started on their journey to Philadelphia, the General Treasurer advanced £60 to each of them. At this session they presented their bills for allowances. The accounts presented are very minute and particular. They are inserted rather as matters of curiosity, than as precedents to be followed:—

STEPHEN HOPKINS'S ACCOUNT.

Journey and expenses to Philadelphia, as one of the delegates from the Colony of Rhode Island to the Continental Congress, 1774.

		DR.	Lawful Money.
Aug. 22.	To expenses for horses at Jos. Bucklin's,	- -	£0 6 0
	To Mr. Cushing, for hay,	- - -	6
	To stores of Tillinghast & Co.	- - -	14 1
	To passage to Elizabethtown,	- - -	9 0 0
			Philadelphia Money.
	To expenses at Eliz. Town Point,		£0 3 0
	at Eliz. Town,	- -	1
	To expenses and cost at Brunswick,	-	1 6 10
	To " at Princeton,	-	8 6
	To " at Trenton,	- -	14 4
	at Newtown,	-	1 0
	Wrightstown,	-	6 8
	Warwick,	-	11 6
	at Armitage's,	-	8 0

PHILADELPHIA.

Sept. & Oct.	To Dr. Bond's bill,	- - -	£4 9 6
	To John Biddle's bill for housekeeping,		11 13 5
	To a washing bill,	- - -	2 2
	To the barber's bill,	- - -	1
	To the Secretary for papers,	- - -	3 10
	To contribution to Jewel,	- - -	1 10
	To the Door Keepers' and Messengers' bill,		15
	To 8 weeks board, at 50s,	- - -	20
	To paid Mr. Downer, for attendance, writing, etc.	- - -	1 10

DELEGATES' ACCOUNT OF EXPENSES.

19

Sept. & Oct.	To cost at John Shoemaker's, 2 nights,	-	£1	1	
	at Bogait's, - - -		6		
	at Carrol's Ferry, - -		6	6	
	at Cowneever's, at Reading,		5	2	
	at Vernon's, Bound Brook,		14	4	
	at Newark, - - -		3	8	
	at the Ferries, - - -		2	6	
	at the Ferry at New York, -		16	10	
	at Day's, York Island, - -		13	3	
	at Marrineck, - - -		5	6	
					44 19 0
	Philadelphia currency,		£56	4	6
	Lawful money, - - -			£55	5 1
To expenses	at Horseneck, - - -				11 6
	at Norwalk, - - -				11 2
	at Fairfield, - - -				10 5
	at Ferry at Stratford, - -				1 4
	at New Haven, - - -				14 9
	at Meriden, - - -				0 3 5
	at Hartford, - - -				1 17
	at Coventry, Connecticut,				5
	at Windham, - - -				10 3
	at Plainfield, - - -				3 8
	at Coventry, (this Col.) -				9 4
					£61 0 11
Nov. 10.	To my time, 81 days,	}			
	To 2 horses and a carriage, 81 days,		81 days at 18s, 72 18		
	For a servant 81 days,				
					£133 18 11
	Received of the General Treasurer,				60
					£73 18 11

SAMUEL WARD'S ACCOUNT.

Memorandum of expenses as one of the representatives of the Colony at the Continental Congress, held at Philadelphia, 5th September, 1774 :—

One-half quire paper, gilt,	-	-	-	-	£0	1	2½
Postage of a letter from the Committee of Correspondence in Maryland,	-	-	-	-			4
Expenses to Newport in getting my instructions,	-	-	-	-			9
Do. on my journey to Philadelphia,	-	-	-	-	4	17	0½

Paper and other small articles in the city,	-	-	£1 13 7
Donation to the poor man who lost his arm at the State House,	1	4	
Proportion of the present of plate to the Secretary,	-	-	2 16
To the Door Keepers,	-	-	12
Advanced to Mr. Downer,	-	-	1 4
Horse keeping at Philadelphia,	-	-	9 15 0½
Washing and freight of my clothes,	-	-	1 15 1
Postage of letters,	-	-	1 7 10½
Expenses on the road home,	-	-	5 7 4
" to Newport to report to the Governor,	-	-	10 11½
			£31 17 1
Barber's bill,	-	-	16
My own and my servant's time, 72 days ; my horses the same			
time, at 18s,	-	-	64 16
Upon Mr. Redwood's kind invitation, we lodged at his house			
8½ weeks ; the common price of boarding was 40s per week,			17
			£114 9 1
Received of the General Treasurer,	-	-	60
			£54 9 1

Errors excepted.

S. WARD.

A payment to Mr. Downer is charged in each of these accounts. The person alluded to was Silas Downer, at that time a member of the Rhode Island bar. He was a graduate of Harvard University, in the class of 1747. Unlike most of his professional brethren of his and later times, Mr. Downer was a beautiful penman. He wrote a round and almost upright hand, which was very legible. Governor Hopkins in middle life, wrote a very fair and legible hand. A nervous affection of the right hand, had for some years rendered that hand very tremulous, so that he wrote with difficulty. Mr. Downer accompanied him to Philadelphia as his private secretary, for which station he was admirably fitted, for he held the pen of a ready writer, guided by a willing hand and heart, in the defence of liberty and colonial

rights. It is probable Governor Ward availed himself of Mr. Downer's services as a scrivener.

It should be remembered, that the town of Providence, on the 17th day of May, instructed its representatives in the General Assembly to use their exertions to have a General Congress called; that the General Assembly of this Colony recommended the holding of such a Congress forthwith, as the means of establishing that "firm and inviolate union of all the colonies in councils and measures absolutely necessary for the preservation of their rights and liberties;" and that on the 15th day of June they elected delegates to attend such a Congress, if called by the colonies, and instructed them, among other things, to advocate the holding of a regular annual Congress of all the colonies. The act of the town of Providence was among the earliest, if not in fact the earliest, movement of any municipal corporation in favor of a Congress at this juncture of affairs. The appointment of delegates by the General Assembly preceded the appointment of all the other delegates to the first Congress. Besides this, it was almost the only appointment made, by the constituted authorities of a colony or province. These proceedings also contain the earliest proposal for an annual Congress by any colony or municipal corporation.

Among the acts of the Congress of 1774, was a resolution recommending the holding of another Congress on the 10th of May, 1775, unless the grievances complained of should be redressed before that day. That recommendation came before the General Assembly of this Colony at their special session, in December, 1774, and meeting with their cordial approbation, Governors Hopkins and Ward were appointed delegates from this Colony to attend it. A committee, consisting of Henry Marchant, Joseph Brown and William Ellery, was appointed to prepare instructions. They subsequently reported the following, which were adopted. The report is in the hand-writing of Mr. Marchant:—

WHEREAS, The American Continental Congress held in the city of Philadelphia, on the 5th day of September last, recommended to the several colonies to choose deputies to attend a General Congress to be holden on the 10th day of May next, in said city of Philadelphia, unless the redress of American grievances be obtained before that time: And whereas, this Assembly having the greatest regard to the recommendation aforesaid, and being determined to co-operate with the other colonies in every proper measure for obtaining a redress of the grievances, and establishing the rights and liberties of all the colonies upon an equitable and permanent foundation, have unanimously chosen and appointed the Honorable Stephen Hopkins, Esq., and the Honorable Samuel Ward, Esq., delegates to represent this Colony, it is therefore unanimously voted and resolved—

1st. That the said Stephen Hopkins and Samuel Ward, Esqs., be, and they are, hereby fully authorized and empowered to represent this Colony in a General Congress of delegates or representatives of the several colonies, to be holden at the time and place above mentioned, or at such other time and place as shall be agreed upon by the major part of the committees from the several colonies.

2d. That they be, and hereby are, fully authorized and empowered to consult and advise with the representatives of the other colonies, and in connection with them, or the major part of them, to enter into and adopt in behalf of this Colony, all reasonable, lawful and proper measures for the support, defence, protection and security of the rights, liberties and privileges, both civil and religious, of all the said colonies, or any of them.

3d. That they be, and hereby are, authorized and empowered to adjourn from time to time, and at any time within the space of one year, to be computed from the said 10th day of May next, and at any place which they shall think proper.

4th. That they be, and hereby are, directed to procure a regular annual convention of delegates or representatives from all the colonies, to be holden at such time and place as shall be by the delegates agreed upon, for the promotion and establishment of the peace, welfare and security of the said colonies.

Before the meeting of Congress, on the 10th of May, 1775, the battles of Lexington and Concord had been fought. At the time of its meeting, Boston was occupied by British troops, and beleagured by the colonial forces, hastily called together from all parts of New England. Leading men in the colonies had long before this come to the conclusion that

the disputes between the colonies and the mother country would lead to a resort to arms. The outbreak came sooner, however, than had been generally anticipated.

The powers of the delegates in the Congress of 1775, differed but little from those of the previous Congress. They looked to a peaceable settlement of all difficulties. The delegates had been elected before tidings of the Lexington fight had reached their constituents. Like their predecessors, they were chosen by conventions, by provisional congresses, by houses of representatives or burgesses; in some instances representing entire colonies, and in others, only parts of colonies. They were, in fact, representatives of the people of all the colonies, and were recognized as such.

The delegates from this Colony were appointed by the General Assembly, and with all the forms of law. Their powers were as large as those conferred on the delegates from any other colony. Two points in their instructions are worthy of note. Their time of service is limited to one year from the time appointed for the assembling of Congress. No officer in the Colony was elected for a longer period than one year. They were specially instructed to urge the holding of an annual Congress of all the colonies, for mutual aid and assistance. Their commission was as follows:—

BY THE HONORABLE THE GENERAL ASSEMBLY of the English Colony of Rhode Island and Providence Plantations, in New England, in [L. s.] America, to the Honorable Stephen Hopkins, Esq., and the Honorable Samuel Ward, Esq., Greeting:

WHEREAS, The General Assembly of the Colony aforesaid have nominated and appointed you, the said Stephen Hopkins and Samuel Ward, to represent the people of this Colony in a General Congress of representatives from this and the other colonies, to be holden in the city of Philadelphia; and there, in behalf of this Colony, to meet and join with the commissioners or delegates from the other colonies, in consulting upon proper measures to obtain the repeal of the several acts of the British Parliament, for levying taxes upon His Majesty's subjects in America without their

consent ; and upon proper measures to establish the rights and liberties of the colonies upon a just and solid foundation, agreeably to the instructions given you by the General Assembly.

By virtue of an act of the General Assembly, I, Henry Ward, Esq., Secretary of said Colony, have hereunto set my hand and affixed the seal of said Colony, this 7th day of May, A. D. 1775, and in the fifteenth year of the reign of His most sacred Majesty George the Third, by the grace of God King of Great Britain, etc.

HENRY WARD.

This commission was not signed by the Governor of the Colony, as was their commission to attend the preceding Congress, but by the Secretary of State, by the authority of the General Assembly. This resulted from the following circumstances :—

Joseph Wanton was Governor of the Colony in the year 1774, the term of his office expiring on the first Wednesday in May, 1775. Town meetings for the election of governor, deputy governor, and other general officers, by a law of the Colony, were held on the third Wednesday of April in each year. The votes given in at these town meetings were returned to the General Assembly on the first Wednesday in May, then to be counted, and the candidates having a majority of votes were then to be sworn into office.

At the town meetings in April, 1775, Governor Wanton received most of the votes for governor, there being no opposition to his re-election. The meetings took place on the 19th of the month, the same day that the fight at Lexington occurred. A special session of the General Assembly convened at Providence on the 22nd of April. At this session, the 11th day of May was set apart "as a day of fasting, prayer and humiliation," and the Governor was requested to issue a proclamation for the same. The Assembly also passed an act for raising an "army of observation" of fifteen hundred men, "for the preservation of the liberties of America." Governor Wanton, Deputy Governor Sessions and two of

the Assistants, entered their protest against this act, as a measure that "will be attended with the most fatal consequences to our charter privileges ; involve the country in all the horrors of a civil war ; and, as we conceive, is an open violation of the oath of allegiance which we have severally taken upon our admission into the respective offices we now hold in the Colony."

At the same special session, the General Assembly passed the following preamble and resolution :—

INASMUCH as there is the most apparent urgent occasion that the General Assembly should be holden in some place other than the town of Newport, at the approaching annual election for the year 1775,

IT IS THEREFORE VOTED AND RESOLVED, That the General Assembly, for the election of general officers and for the transacting such business as may be laid before them, on the first Wednesday in May next, be held at the Colony House in Providence, and that the Secretary publish a copy of this vote in the next *Newport Mercury* and *Providence Gazette*.

The charter of the Colony required the May session of the Assembly to be holden in Newport "or elsewhere if urgent occasion do require," and at Newport this session had been invariably holden up to this time. It would be gratifying to know what was the "urgent occasion" which now required the change. Was it the presence of the British ships of war in Newport harbor ?

The May session commenced on the first Wednesday, being the 3d day of the month, at Providence. On counting the votes cast for governor, it appeared that a large majority had been cast for Governor Wanton. He did not attend that session, but from his residence in Newport, sent the following letter :—

TO THE GENERAL ASSEMBLY OF THE ENGLISH COLONY OF RHODE ISLAND, etc., to be holden at Providence, in and for said Colony, on the third day of May, 1775 :

GENTLEMEN :—As indisposition prevents my meeting you in General Assembly, that candor which I have so often experienced from the repre-

sentatives of the freemen of this Colony, encourages me to hope you will excuse my personal attendance at this session.

Since the last session of the General Assembly at Providence, I have had the honor of receiving a letter from the Earl of Dartmouth, one of His Majesty's principal Secretaries of State, dated at Whitehall, the third of March, 1775, enclosing the resolution of the House of Commons, respecting the provision which they expect each colony or province in America to make for the common defence; and also, for the support of the civil government and the administration of justice in such colony, both of which I have directed to be laid before you; and also a letter from the Committee of the Provincial Congress, which are all the public letters I have received during the recess.

As the dispute between Great Britain and the colonies is now brought to a most alarming, dangerous crisis, and this once happy country threatened with all the horrors and calamities of a civil war, I consider myself bound by every tie of duty and affection, as well as from an ardent desire to see a union between Britain and her colonies established upon an equitable, permanent basis, to entreat you to enter into the consideration of the resolution of the House of Commons, and also his Lordship's letter which accompanies that resolution, with that temper, calmness and deliberation which the importance of them demand, and with that inclination to a reconciliation with the parent State, which will recommend your proceedings to His Majesty and both houses of Parliament. The prosperity and happiness of this Colony is founded in its connection with Great Britain. For, if once we are separated where shall we find another Britain to supply our loss. Torn from the body to which we are united by religion, liberty, laws and commerce, we must bleed at every vein. Your charter privileges are of too much importance to be forfeited. You will, therefore, duly consider the interesting matters now before you with the most attentive caution, and let me entreat you not to suffer your proceedings for accommodating these disputes which have already too long subsisted between both countries, to have the least appearance of anger or resentment, but that a kind, respectful behavior towards His Majesty and both houses of Parliament accompany all your deliberations.

I shall always be ready to join with you in every measure which will secure the full possession of our invaluable charter privileges to the latest posterity, and preserve the good people of this Colony from that ruin and destruction which, in my opinion, some of the orders of the last Assembly must inevitably involve them in, if they are not speedily repealed; for, besides the fatal consequences of levying war against the King, the immense load of debt that will be incurred, if the late resolutions for raising an

army of observation of fifteen hundred men within this Colony be carried into execution, will be insupportable, and must unavoidably bring on universal bankruptcy throughout the Colony. If I have the honor of being reëlected, I shall, as I ever have done, cheerfully unite with you in every proceeding which may be consistent with that duty and allegiance which I owe the King and the British constitution, for increasing the welfare and happiness of this government.

I am, with great respect and esteem, Gentlemen,

Your most humble servant,

J. WANTON.

This letter did not produce the effect desired by Governor Wanton. The Assembly were far in advance of the Governor in their views of colonial rights and duties. It was followed by the following letters, between the Speaker of the House of Representatives and Governor Wanton:—

PROVIDENCE, May 3, 1775.

SIR:—I am requested by the General Assembly to inform your Honor, that you are by the general election held here this day, chosen Governor of the Colony, and to desire you would return them an immediate answer, whether you will accept the office of Governor of the Colony or not, and if you accept, you would be pleased to attend the Assembly as soon as possible. This you will receive by Mr. Tew, who is dispatched express for your Honor's answer.

I am, with due regard, your Honor's, etc.,

METCALFE BOWLER, SPEAKER.

To the Hon. JOSEPH WANTON, Esq.

This elicited the following reply:—

NEWPORT, 4th May, 1775.

SIR:—I received your favor by Mr. Tew, and in answer thereto say, that the honor done me by the freemen of the Colony in reëlecting me their Chief Magistrate, I shall accept of, as I wrote the Assembly on the 2d instant, but cannot possibly attend this session on account of my indisposition, unless better than at present.

I am, with regards to the Gentlemen of the Assembly,

Their and your friend and humble servant,

J. WANTON.

To the Hon. METCALFE BOWLER, Esq.

Not satisfied with this reply, the following letter was forwarded the next day:—

PROVIDENCE, May the 5th, 1775.

SIR:—I am requested by the General Assembly to transmit to your Honor the form of a blank commission proposed to be given the commissioned officers of the troops that are already voted to be raised by this Colony as an army of observation, and request your Honor's immediate answer, whether your Honor will sign, as Commander-in-Chief of the Colony, such commissions when they are presented to your Honor for that purpose.

This is sent express by Mr. Tew, who is ordered to return immediately with your Honor's answer, as the Assembly does not propose to rise before the return of this express.

I am, with regard, your Honor's most obedient servant,

METCALFE BOWLER.

To the Hon. JOSEPH WANTON, Esq.

The reply was clear and intelligible, if not satisfactory, and was as follows:—

NEWPORT, 5th May, 1775.

SIR:—In answer to your favor of this date, requesting to know whether I would sign, as Commander-in-Chief of this Colony, the commission of the officers of the army about to be raised, say, that I cannot comply with it, having heretofore protested against the vote for raising men, as a measure inconsistent with my duty to the King and repugnant to the true and real interests of his government.

I am, with regards to the Gentlemen of the Assembly,

Their and your friend and servant,

J. WANTON.

The state of facts disclosed by this correspondence evidently required prompt and energetic legislation from the Assembly. The Governor, for the time being, had by law the right and duty of signing all commissions for officers, civil and military, appointed by the Legislature. Before authorized to do any act, the Governor himself was required to take his oath of office before the Deputy Governor or

two or more of the Assistants. Generally, it was administered in presence of the Assembly. By taking the oath of office after the rising of the Assembly, and refusing to sign the commissions of the army of observation that the Assembly had resolved to raise, he would nullify their proceedings. To prevent this, the Assembly passed the following resolution:—

WHEREAS, The Ministry and Parliament of Great Britain, sacrificing the glory and happiness of their sovereign and the good of Britain and her colonies to their own ambitious views, have entered into many arbitrary, illegal resolutions for depriving His Majesty's subjects in America of every security for the enjoyment of life, liberty and property, and sent and are still sending troops and ships of war into these colonies, to enforce their tyrannical mandates, and have actually begun to shed the blood of the innocent people of these colonies, in consequence whereof this Assembly, **at** the session held on the 22d day of April last, passed an act for raising **fifteen** hundred men, as an army of observation and to assist any of our **sister** colonies;

AND WHEREAS, The Hon. Joseph Wanton, Esq., then Governor of this **Colony**, did enter his protest against the said act, conceived in such terms as **highly** to reflect upon the General Assembly, and upon the united opposition **of** all America to the aforesaid tyrannical measures;

AND WHEREAS, The said Joseph Wanton, Esq., hath neglected to issue **a** proclamation for the due observance of Thursday, the 11th of May, **instant**, as a day of fasting and prayer, agreeably to an act passed at said **session**;

AND WHEREAS, The said Joseph Wanton, Esq., hath been elected to the **office** of Governor of this Colony for the present year and been duly notified thereof by this Assembly; notwithstanding which he hath not attended **at** this General Assembly and taken the oath required by law;

AND WHEREAS, the said Joseph Wanton, Esq., hath positively refused to sign the commissions for the officers appointed to command the troops **so** ordered to be raised; by all which he hath manifested his intentions to defeat the good people of these colonies, in their present glorious struggle to transmit inviolate to posterity those sacred rights they have received from their ancestors,

BE IT THEREFORE ENACTED by this General Assembly, and by the authority thereof it is enacted, that the Deputy Governor and Assistants **be**, and they are, hereby forbidden to administer the oath of office to the

Not satisfied with this reply, the following letter was forwarded the next day:—

PROVIDENCE, May the 5th, 1775.

SIR:—I am requested by the General Assembly to transmit to your Honor the form of a blank commission proposed to be given the commissioned officers of the troops that are already voted to be raised by this Colony as an army of observation, and request your Honor's immediate answer, whether your Honor will sign, as Commander-in-Chief of the Colony, such commissions when they are presented to your Honor for that purpose.

This is sent express by Mr. Tew, who is ordered to return immediately with your Honor's answer, as the Assembly does not propose to rise before the return of this express.

I am, with regard, your Honor's most obedient servant,

METCALFE BOWLER.

To the Hon. JOSEPH WANTON, Esq.

The reply was clear and intelligible, if not satisfactory; and was as follows:—

NEWPORT, 5th May, 1775.

SIR:—In answer to your favor of this date, requesting to know whether I would sign, as Commander-in-Chief of this Colony, the commission of the officers of the army about to be raised, say, that I cannot comply with it, having heretofore protested against the vote for raising men, as a measure inconsistent with my duty to the King and repugnant to the true and real interests of his government.

I am, with regards to the Gentlemen of the Assembly,

Their and your friend and servant,

J. WANTON.

The state of facts disclosed by this correspondence evidently required prompt and energetic legislation from the Assembly. The Governor, for the time being, had by law the right and duty of signing all commissions for officers, civil and military, appointed by the Legislature. Before authorized to do any act, the Governor himself was required to take his oath of office before the Deputy Governor or

two or more of the Assistants. Generally, it was administered in presence of the Assembly. By taking the oath of office after the rising of the Assembly, and refusing to sign the commissions of the army of observation that the Assembly had resolved to raise, he would nullify their proceedings. To prevent this, the Assembly passed the following resolution :—

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AND WHEREAS, The Hon. Joseph Wanton, Esq., then Governor of this Colony, did enter his protest against the said act, conceived in such terms as **highly** to reflect upon the General Assembly, and upon the united opposition of all America to the aforesaid tyrannical measures ;

AND WHEREAS, The said Joseph Wanton, Esq., hath neglected to issue a proclamation for the due observance of Thursday, the 11th of May, **instant**, as a day of fasting and prayer, agreeably to an act passed at said session ;

AND WHEREAS, The said Joseph Wanton, Esq., hath been elected to the office of Governor of this Colony for the present year and been duly notified thereof by this Assembly ; notwithstanding which he hath not attended at this General Assembly and taken the oath required by law ;

AND WHEREAS, the said Joseph Wanton, Esq., hath positively refused to sign the commissions for the officers appointed to command the troops so ordered to be raised ; by all which he hath manifested his intentions to defeat the good people of these colonies, in their present glorious struggle to transmit inviolate to posterity those sacred rights they have received from their ancestors,

BE IT THEREFORE ENACTED by this General Assembly, and by the authority thereof it is enacted, that the Deputy Governor and Assistants be, and they are, hereby forbidden to administer the oath of office to the

said Joseph Wanton, Esq., unless in free and open General Assembly, according to the unvaried practice in this Colony, and with the consent of such Assembly; that until the said Joseph Wanton, Esq., shall have taken the oath of office as aforesaid, it shall not be lawful for him to act as Governor of this Colony in any case whatever; and that every act done by him in the pretended capacity of Governor shall be null and void in itself, and shall not operate as a warrant or discharge to any person acting by his orders or under his authority.

AND BE IT FURTHER ENACTED by the authority aforesaid, that Henry Ward, Esq., Secretary of the Colony, be, and he is, hereby directed and fully authorized and empowered to sign the commissions for all officers, civil and military, chosen by this Assembly, as well those going in the service aforesaid as others; he receiving therefor out of the general treasury two shillings and eight pence for each commission, and that such commission so signed, with the Colony seal affixed, shall be as full and effectual a warrant and warrants to every and all such officer and officers so chosen, for the faithful discharge of his and their duty, as if the same were signed by a governor of this Colony duly elected and engaged according to law; any law, custom or usage to the contrary hereof in any wise notwithstanding.

The General Assembly held an adjourned session at East Greenwich on the second Monday in June, 1775. Governor Wanton addressed to it the following letter:—

EAST GREENWICH, June 13, 1775.

GENTLEMEN :—The charter of the Colony, granted by His Majesty King Charles the Second, expressly ordains “that all and every Governor elected and chosen by virtue of that charter, shall give his engagement before two or more of the Assistants of the Colony for the time being;” notwithstanding which, I observe by an act of yours passed at the session in Providence, on the first Wednesday in May, and published in the *Newport Mercury*, you have thought fit to forbid the Deputy Governor or Assistants, to administer the oath of office to me, until I appear in open Assembly, and even then, not without your consent.

As I had the honor of being chosen Governor of this Colony at the election held at Providence on the first Wednesday in May, but through indisposition could not attend at that session, I now appear in order to take the oath prescribed by law, and request that you would give the necessary directions for the due administering of the same.

As you have been pleased to arraign my administration by charging me with an intention to defeat these colonies in their struggle for the preservation of their rights, I shall here take the freedom to answer the several allegations you have exhibited against me, with as much conciseness as possible.

I have ever considered it as the distinguishing privilege of an Englishman, to give his opinion upon any public transaction, wherein the welfare and happiness of the community to which he belonged, was immediately concerned, without incurring public censure therefor. Upon this principle, I presumed to exercise the right of private judgment, when I protested against the act for raising troops within this Colony; for, I conscientiously believed it was a measure replete with the most injurious consequences to the good people of this government, and therefore, from an anxious concern for their happiness, bore my public testimony against it. I cannot conceive, in so doing, I have been guilty of any misdemeanor and consequently not reprehensible for that which ought only to be considered, by those of a different sentiment, as an error in judgment.

As to the second allegation, for not issuing a proclamation for the due observance of the 11th of May as a day of fasting and prayer throughout the Colony, I shall only observe, that the proclamation was begun and would have been published and sent into the Colony on Monday, the 8th of May, had you not by your own vote on the 7th, divested me of that power which might have been thought necessary for enjoining a due observance thereof. I had no design to counteract your intention in that matter, for in a time of such universal distress, it is my opinion, we cannot act a more proper and natural part, than confessing our manifold sins before Almighty God and deprecating his judgments.

The third objection you have thought proper to adduce against me, of non-attendance at the session in Providence, is without the least colorable pretext, after having twice informed you, that indisposition prevented my attending. I again confirm it, and am extremely sorry to find, by any of your proceedings, it should be doubted.

To the fourth allegation you have been pleased to exhibit against me of not signing the commissions for the officers appointed to command the troops to be raised by this Colony, the following observations, I imagine, if considered with candor, will be a sufficient justification of my conduct in that affair. The vote for raising men, upon very mature deliberation, I had considered as a measure pregnant with the most fatal consequences to the good people of this Colony. Upon that principle I protested against the vote. It would, therefore, have been highly improper in me to have

given commissions for the execution of a measure which, in my opinion, was subversive of the true interests of this government.

Upon the strictest examination into my past administration, I cannot impeach myself with the least intention of having designedly executed any measure which might prove detrimental to the rights of this Colony. I am closely united to the inhabitants by every endearing tie, and their happiness I consider as inseparably connected with mine. I shall, therefore, whether in public or private life, constantly pursue such a line of conduct as in my opinion will have a tendency to increase the reputation and felicity of every part of this once happy Colony.

I am, Gentlemen, your sincere friend and humble servant,

J. WANTON.

To the Honorable the General Assembly of Rhode Island, and now sitting at East Greenwich.

The Assembly, after consideration of the foregoing letter, "voted and resolved that the said Joseph Wanton hath not given satisfaction to this Assembly;" and that the act passed at the last session in relation to him "continue and be in force until the rising of the General Assembly at the next session;" and ordered their resolution published in the *Newport Mercury* and *Providence Gazette*.

At a further adjourned session, held on the 28th of June, 1775, another resolution was adopted continuing in force the act of May, in relation to Governor Wanton, until the rising of the Assembly at their next session, and at that session the resolution was further continued in force until the end of the next session, in October.

At the session held in Providence, on the 31st day of October, 1775, the General Assembly passed the following act:—

AN ACT DECLARING THE OFFICE OF GOVERNOR OF THIS COLONY VACANT.

WHEREAS, The General Assembly, at the session held at Providence on the first Wednesday of May last, made and passed an act, for divers weighty reasons therein mentioned, to prevent the Hon. Joseph Wanton, Esq., who was chosen Governor of this Colony at the general election held on the said first Wednesday in May, from acting in said office, which act

hath been continued from session to session until now, without proceeding to declare the said office vacant from a tender regard to the said Joseph Wanton, and in order to give him an opportunity of making due satisfaction for his former conduct, and of convincing this General Assembly of his friendly disposition to the United Colonies in general, and to this Colony in particular.

AND WHEREAS, The said Joseph Wanton, by the whole course of his behavior since the passing of the said act, hath continued to demonstrate that he is inimical to the rights and liberties of America, and is thereby rendered totally unfit to sustain the said office.

AND WHEREAS, The calamities of the present times make it necessary for this General Assembly to avail themselves of the advantages given them by charter, and the fundamental principles of the constitution,

This General Assembly do, therefore, resolve and declare, and by the authority thereof it is resolved and declared, that the said Joseph Wanton hath justly forfeited the office of Governor of this Colony, and that thereby the said office is become vacant.

After passing this resolution, the General Assembly, in Grand Committee, proceeded to fill the vacancy in the office of Governor by electing Nicholas Cooke, of Providence, who had been elected Deputy Governor in May. William Bradford, of Bristol, was elected at the same time Deputy Governor. Governor Cooke remained in office until May, 1778, when he declined a re-election.

The proceedings against Governor Wanton were without precedent in this Colony. There was nothing in the charter of the Colony which authorized them, nor in any law previously enacted. The charter and the laws pre-supposed that a governor of the Colony elected by the freemen would have the same political sentiments and feelings as the freemen themselves. They made no provision for such an emergency as did occur in 1775. The claim set up by Governor Wanton amounted in fact to that of a veto power over the acts of the Legislature. He had no such power. The charter made the Governor a member of the General Assembly, the presiding officer in the upper house, or House of

Assistants, and in the Grand Committee. Here he had his vote, and nothing more. Like the rest of the members, he had a right to enter his protest against any vote passed by a majority of that house. But this did not affect the legality of the proceedings of such house. In virtue of his office, he was the chief executive officer of the Colony. His duty in this respect was to carry into effect the will of the General Assembly, as expressed by a majority of the members of each house of Assembly, whether it accorded with his private views and opinions or the contrary. If there was matter of conscience about discharging this duty, his course was to resign, which would save his conscience and the rights of the people. If he would not do this, but would persist in setting up his conscience as a ground for neglecting a duty required by the Assembly, there remained no alternative for the representatives of a free people, determined to remain free, than to relieve him from the office he refused to fulfil. Though a new and unprecedented act, it was one warranted by "the fundamental principles of the constitution" of this and every other free government.

Governor Wanton subsequently joined the British. He was undoubtedly at all times opposed to an armed resistance to any of the demands of Great Britain on her American colonies. The suspicion that he held this opinion was so strongly fixed in the minds of the Assembly, that no form of denial on his part would have effaced it. They evidently believed that "the indisposition" which kept him from the session of the Assembly in May, was an indisposition of the mind rather than of the body.

The proceedings relative to Governor Wanton, caused no interruption to the other proceedings of the General Assembly. Deputy Governor Cooke presided in the Senate, as he would have done in any case of the occasional absence of the Governor.

Congress met on the 10th of May, 1775, at the State House, in Philadelphia, and elected Mr. Peyton Randolph, of Virginia, their President, and Mr. Charles Thompson, Secretary. Mr. Randolph being obliged to return to his home, Mr. John Hancock, one of the delegates from Massachusetts, was, on the 19th of May, elected President. Mr. Randolph did not afterwards take his seat in Congress. He died in October following. Mr. Hancock held the office of President in this Congress and subsequent ones, until Oct. 29, 1777, when he resigned. This Congress, like the preceding one, sat with closed doors, and each colony had but one vote on any question, however numerous its delegates.

Gov. Ward took his seat on the 15th, and Gov. Hopkins on the 18th of May. Congress remained in session until the 1st day of August, then adjourned to the 5th day of September.

Upon this Congress devolved the carrying on of the war that had been commenced in Massachusetts. For that purpose an army was to be raised and equipped, armed vessels were to be employed to intercept supplies intended for the British army, and to prey on British commerce. These were to be supported and supplied with the munitions of war, and their movements prescribed and regulated. Foreign aid was to be sought, the Indian tribes in and around the colonies were to be propitiated, post office facilities were to be established, and necessary funds for all these purposes raised or created. There rested on this Congress the general supervision of all these and all other departments of government, and also all the necessary details, with little of precedent or experience to guide them. And then, what were their powers? Little if anything more than advisory, to threaten distinct colonies and provinces, scattered over a vast territory, and generally with no established governments. Some of them were ripe for independence, some were luke-

warm in their opposition to the demands of the British ministry, while portions of others were threatening to join the invaders.

The members of this Congress, though oppressed with physical as well as mental labor, encompassed with difficulties and embarrassed with jealousies, were not disheartened. They were not strict constructionists of their own powers. Such as the exigencies of the times required, they used, and gave themselves to the work which they pursued with untiring industry. It needs but a slight reference to the record of this Congress to establish the characters of its members for industry, and patriotism, and statesmanship. Notwithstanding the ill success that attended petitions and addresses of the previous Congress, and the outbreak of actual hostilities which preceded the meeting of this, the first business that engaged its attention was the preparation of other petitions and addresses. On the third of June, after long consideration in committee of the whole on the state of America, Congress appointed several special committees; one, to draft a petition to the King; one, to prepare an address to the inhabitants of Great Britain; one, to prepare an address to the people of Ireland, and one to draft a letter to the inhabitants of the island of Jamaica. Sometime before this, Congress had prepared and sent a letter to the inhabitants of Canada. Each of these, contains expressions of loyalty to the King, and the desire to preserve unbroken the connexion between the colonies and Great Britain, disclaiming all attempts or wish for independence, while in bold and manly language each refers to the wrongs of the colonies, and the resolution to have them redressed, and their constitutional and charter rights acknowledged and respected. While measures of this character were progressing, Congress was by no means inattentive to warlike means of defence against British troops. On the 14th day of June, commenced the formation of the American Continental Army, by providing

for the enlistment of troops, and the preparation of rules and regulations for their government while in service. The army regulations were adopted June 30th. The next day a commander-in-chief was appointed, and within a few days after, four major-generals and eight brigadier-generals. On the 16th of June, a committee was appointed to report what steps were necessary for securing and preserving the friendship of the Indian nations. That committee made a report the week following. On the 22d of June, Congress resolved to issue Bills of Credit. The following day the number and denominations of the bills to be issued were agreed to, as well as their form and the amount to be issued, \$2,000,000, which amount was increased to \$3,000,000 on the 23d of July. On the 24th of June, a committee was appointed to report what steps were necessary "to put the militia of America in a proper state for the defence of America." They reported on the 18th of July following, and their report was adopted by Congress. On the 12th of July, a committee was raised to devise the ways and means to protect the trade of the colonies. On the 26th of July, the first Postmaster General received his appointment. One cannot at a glance conceive what an amount of details followed these important measures, but it was all accomplished before Congress adjourned, on the first of August.

The Legislature of this Colony, at their special session on the week of the Lexington fight, came to the resolution, "That a number of men be raised and embodied, properly armed and disciplined to continue in this Colony, as an Army of Observation, to repel any insult or violence that may be offered to the inhabitants. And also, if it be necessary for the safety and preservation of any of the colonies, to march out of this Colony and join and co-operate with the forces of the neighboring colonies." And they further "Voted and resolved, that fifteen hundred men be enlisted,

raised and embodied, as aforesaid, with all the expedition and dispatch that the nature of the thing will admit of." At the session on the first Wednesday in May, they passed "An act for embodying, supplying and paying the Army of Observation." By this act the army to be raised formed one brigade under a brigadier general, divided into three regiments and twenty-four companies. Each soldier was required to enlist himself "as a soldier in His Majesty's service and in the pay of the Colony of Rhode Island, for the preservation of the liberties of America," until the 31st day of December, unless sooner discharged. Nathanael Greene, Jr., was appointed Brigadier General, and Thomas Church, Daniel Hitchcock and James M. Varnum Colonels in this army. A committee of safety to act in the recess of the Assembly, and also as muster masters of the troops, was appointed at the same session, and bills of credit for £20,000 were ordered to be issued, payable within five years, with interest at two and a half per cent. per annum, for the purpose of supplying the general treasury of the Colony. They empowered the Lieutenant-General, Brigadier-General and the Committee of Safety to determine when, and in what manner the Army of Observation, or any part of it, should march out of this Colony to the assistance of any colony in distress. The officer designated as the "Lieutenant-General," was probably the Lieutenant-Governor of the Colony, the office of "Governor" and "Captain-General" being vacant under the circumstances before detailed. The keeper of the naval office in Newport was directed to account to the General Assembly. An embargo was laid on the export of all provisions. The Assembly adjourned to the second Monday in June. Rules and regulations for the Army of Observation were then adopted. The committee of safety were instructed to "charter two suitable vessels for the use of the Colony, and fit out the same in the best manner, to protect the trade

of the Colony." The Assembly resolved that they would join the other colonies in establishing post offices, and proceeded to establish such offices in the Colony, appointing post-riders, and establishing rates of postage. A special session convened on the 28th of June. The Assembly then voted to raise six more companies of soldiers of sixty men each, to be added to the regiments of the Army of Observation, then encamped before Boston, which army they placed under the command of the Commander-in-chief of the American army. They also repealed the act regulating appeals to "His Majesty in Council in Great Britain," thus giving to their own courts the ultimate decision of all causes. They directed an account to be taken of the powder, arms, ammunition, saltpetre and sulphur in the Colony. Every man was required to equip himself with arms and ammunition. They directed beacons to be erected, and one quarter part of the militia of the Colony to be enlisted as minute men. These, among other measures, were adopted to put the Colony in a posture of defence, and also to aid other colonies by force of arms. Little more remained to be done to endow the Colony with sovereign power. The General Assembly had raised an army, had employed a navy, had assumed control of commerce, had established post offices, and in fact invested their courts with supreme jurisdiction in all cases. The most striking mark of colonial existence was the formal prayer which closed the printed schedule of each session of the General Assembly, "God save the King."

After the adjournment of Congress on the first of August, Governor Ward returned to the Colony, and made a report of the proceedings of Congress to the General Assembly at their session commenced on the third Monday of the same month. This was a verbal report, the substance of which may be gathered from the following resolution of the Assembly:—

"WHEREAS, The Hon. Samuel Ward, Esq., one of the delegates from this Colony to the Congress held at Philadelphia on the 10th day of May last, hath made a report to this Assembly of many of the proceedings and resolves of said Congress, consisting of measures by them taken for the defending of the United Colonies against the attacks of our cruel and unnatural enemies, measures for the security of the frontiers, the preservation of peace and friendship with the people of Canada and the Indian nations, the emission of a Continental currency for defraying the expenses of this war, a petition to the King, an address to the people of England, an address to the people of Ireland, a letter to the Lord Mayor of London, a letter to the Assembly of Jamaica, the establishment of a general post office, and some occasional resolutions, it is therefore

"VOTED AND RESOLVED, That said report be, and the same is, hereby accepted and approved, and that the thanks of this Assembly be given to the delegates of the Continental Congress in general, and to the delegates of this Colony in particular, for their wise, spirited and faithful discharge of the important trust imposed on them."

The Assembly then gave further instructions to the delegates of the Colony, embracing, as is believed, the earliest action of any colony in favor of the establishment of a Continental Navy. They were as follows:—

WHEREAS, Notwithstanding the humble and dutiful petition of the last Congress to the King, and other wise and pacific measures taken for obtaining a happy reconciliation between Great Britain and the colonies, the Ministry, lost to every sentiment of justice, liberty and humanity, continue to send troops and ships of war into America, which destroy our trade, plunder and burn our towns, and murder the good people of these colonies, it is therefore

VOTED AND RESOLVED, That this Colony most ardently wish to see the former friendship, harmony and intercourse between Great Britain and these colonies restored, and a happy and lasting connexion established between both countries, upon terms of just and equal liberty; and will concur with the other colonies in all proper measures for obtaining these desirable blessings; and as every principle, divine and human, requires us to obey that great and fundamental law of nature, self-preservation, until peace shall be restored upon constitutional principles, this Colony will most heartily exert the whole power of government, in conjunction with the other Colonies, for carrying on this just and necessary war, and bringing the same to a happy issue. And amongst other measures, for obtaining

that most desirable purpose, this Assembly is persuaded that the building and equipping an American fleet as soon as possible, would greatly and essentially conduce to the preservation of the lives, liberty and prosperity of the good people of these colonies ; and therefore they instruct their delegates to use their whole influence, at the ensuing Congress, for building, at the Continental expense, a fleet of sufficient force for the protection of these colonies, and for employing them in such manner and places, as will most effectually annoy our enemies and contribute to the common defence of these colonies : and they are also instructed to use all their influence for carrying on the war in the most vigorous manner, until peace, liberty and safety be restored and secured to these colonies upon an equitable and permanent basis.

Governor Ward, in his diary, under date of October 3, 1775, has this entry:—"Presented our instructions for carrying on the war effectually and building an American Fleet." The consideration of the instructions was postponed at that time. On the 5th of October, Congress received information, by letters from England, that two brigs were being fitted out with arms, gunpowder and supplies for the British army, and on the report of a committee appointed to devise means to intercept them, Congress forwarded the information which it had received, to General Washington, then before Boston. They desired him to apply to the Council of Massachusetts for the two armed vessels that belonged to that province, to be dispatched in pursuit of those brigs, and any other transports laden with stores for the British army. They also informed him that the armed vessels of Rhode Island and Connecticut would be dispatched on the same service. This was the first naval force employed by the United Colonies, or authorized by them. Neither of the Rhode Island armed vessels took part in this cruise, for the reasons set forth in the following letter from

GOVERNOR COOKE TO S. HOPKINS AND S. WARD.

PROVIDENCE, Oct. 10, 1775.

GENTLEMEN : — I have just received a letter by express from Mr. President Hancock, with orders to dispatch our armed vessels to intercept two

brigs from England to Quebec. Our large vessel is upon a voyage to Bermuda, and the small one is unfit for service.

I have given information of this to General Washington and Governor Trumbull, that they may not make any reliance upon our assisting in this important expedition. I have strongly recommended to the latter to employ their colony brigantine, which is fitted and mounts fourteen carriage guns, in this enterprise. I am not without hopes, however, that the large sloop will return in a day or two; in which case I shall have her immediately cleaned and dispatch her. I am, Gents,

Your most humble servant,

NICHOLAS COOKE.

S. HOPKINS and S. WARD, Esqs.

P. S. A great number of guns have been fired down the river this morning. It is feared they are fired upon Newport.

On the 13th of October, a further report of the committee appointed on the 5th was taken up, and Congress then resolved to fit out a swift sailing vessel, to carry ten carriage guns and a proportionate number of swivels, and eighty men, to cruise for three months to the eastward, to intercept transports. On the same day a committee of three was appointed to prepare an estimate of the expense of this armament, and to contract with some person for the fitting out of the same. Congress also resolved to fit out another vessel for the same purpose, and referred the estimate of the expense of the same to the same committee. On the report of this committee, on the 30th of the same month, Congress ordered that the second vessel should be of size sufficient to carry fourteen guns, and that two others should be added, one to carry not more than twenty guns, and the other not more than thirty-six, with a proportionate number of swivels, to be employed as Congress should direct. Four members were then added to this committee, of whom Hopkins was one. Subsequently, in accordance with further resolutions of Congress, this committee engaged three sloops. They subsequently reported the names of the officers appointed

for each of these vessels, and rules for the regulation of the naval service. The whole fleet, under the command of Esek Hopkins, a Rhode Island man, left the capes of Delaware on its first cruise, on the 17th of February, 1776. This was the first American fleet. It consisted of the ships *Alfred*, Captain Dudley Saltonstall; *Columbus*, Captain Abraham Whipple; the brigs *Andrew Doria*, Captain Nicholas Biddle, and *Cabot*, Captain John B. Hopkins; and the four sloops *Providence*, *Fly*, *Hornet* and *Wasp*. The sloop *Providence* was one of the Rhode Island navy ordered in the second Monday of June to be chartered, and subsequently, in October, to be purchased for the Colony. She was then called the *Katy*. Commodore Abraham Whipple had been dispatched in her to Philadelphia, to carry Esek Hopkins and such men as could be enlisted in Rhode Island, for the Continental navy. Her arrival at Philadelphia is thus noticed by Governor Ward, in the following letter to Governor Cooke:—

SAMUEL WARD TO GOVERNOR COOKE.

PHILADELPHIA, Jan. 16, 1776.

SIR:—Our seamen arrived here the day before yesterday. Those concerned in the naval department are highly pleased with them. Their arrival gives fresh spirit to the whole fleet. Your favor of the 4th we received. I would wish to have the instructions of the General Assembly relative to the regimental, and in any other colonial affairs, as soon as may be.

The letters of Governor Franklin and the Speaker of the Assembly of New Jersey were intercepted. An order of Congress was issued for seizing the latter, but he escaped on board the *Asia*. The Governor is under a Continental guard in his own house, until order from Congress may be issued.

I endorse the resolves of Congress "to the General Colonies."

Time only permits me to add, that I am, with most sincere regard,

Your most obedient, humble servant,

SAMUEL WARD.

P. S.—I received a letter from Messrs. Clarke and Nightingale, relative to the contract entered into by Admiral Hopkins; as I have not time to

write them, beg your honor to let them know that I think the public service requires that the voyage should proceed with all dispatch.

GOVERNOR COOKE.

On the voyage, Captain Whipple captured three prisoners, who, by direction of Congress, were committed to jail in Pennsylvania for safe keeping. After the arrival of the *Katy* at Philadelphia, the committee fitting out this armament was directed to employ her in the service of the Congress. These circumstances may account for the employment of such a large proportion of Rhode Island men as officers. The commander of the fleet, and the captains of the *Columbus* and *Cabot*, were from this Colony, as were three of the first lieutenants, one, if not two, of the five, second lieutenants, and one of the three, third lieutenants. It is very probable that a large proportion of the seamen were also from Rhode Island.

The instructions given to the delegates of this Colony in relation to the establishment of a Continental navy, came under discussion on the 11th of December, and were referred to a committee of one from each colony, to devise ways and means for furnishing these colonies with a naval armament, and to report with all convenient speed." Mr. Hopkins represented this Colony in that committee. They reported on the 13th of December, that five vessels of thirty-two guns each, five of twenty-eight guns each, and three of twenty-four guns each, could be built and fitted for sea by the first of March, at the cost of \$866,666 $\frac{2}{3}$. A committee was appointed on the 14th to carry this resolution into effect, consisting of one from each colony, Mr. Hopkins being the one selected for Rhode Island. They were subsequently charged with the fitting of these vessels for sea, nominating their officers and directing their cruising ground. They are referred to as they indeed styled themselves, the Marine Committee. Two of the thirteen vessels ordered on the 13th of

December, were built in Providence, one named Warren, the other Providence, but were not completed until months after the time proposed.

Before the re-assembling of Congress, Governor Cooke addressed the following letter to the delegates from this Colony. The letters of Gov. Ward referred to are not on file:—

PROVIDENCE, August 31, 1775.

GENTLEMEN:—Mr. Ward's letter of the 10th inst., enclosing the address and declaration and his letter of the 19th, have come safe to hand.

By a letter from Gen. Washington, I was informed that three ships of war and nine transports sailed from Boston the beginning of last week. As the enemy are greatly distressed for want of fresh provisions, I conjecture this fleet was designed to supply them, and immediately sent a quantity of powder, ball and flints to Rhode Island, to enable the inhabitants to defend themselves, and gave them assurance of further aid if necessary. As this fleet hath not been heard of on our coasts, I imagine they were destined for the eastward.

Two of the men of war were cruising, yesterday and the day before, in the river, and came up above Kinnimicut Point. As it is possible for them to come near enough to fire upon the town, our attention is strongly turned to the erecting of a fortification below. I sometime since forwarded to you a plan of the river, and should be glad to know the sentiments of Congress upon that subject, and whether the erecting of a fortification, which could not be a very expensive one, will be considered as a Continental expense, as I am clearly of opinion it ought to be.

As you request your application for the accounts of the Committee of Safety, I have written to them all, and urged them to have their accounts ready at the opening of the next session of the Assembly, that, after being considered, they may be transmitted to you.

About 140 or 150 of the six additional companies ordered by this Colony have marched to join the army. Two commissioned officers of each company are left to recruit. But the Colony hath been so drained of men by the large levies already made, that it will be sometime before they will be complete. A very heavy firing near Boston was heard the night before last, and yesterday morning. The same night, a detachment of 300 men marched from Roxbury, to complete the destruction of the light house. By some persons who came in here last evening and this morning from Roxbury, we are told that the firing was universal from all the enemy's

works, ships and floating batteries, and that about forty regulars pushed out and forced our soldiers to retreat, and burnt the George Tavern and one other house and barn. Two of the party which came out took that opportunity to desert. From Cambridge we have a report that the enemy, under cover of a field of corn, had began an entrenchment, which they had carried on some time before they were discovered; that they were attacked by our people with musketry, a smart firing being kept up on both sides, and that the enemy were obliged to retreat.

I am, with great truth and regard, Gentlemen,

Your most obedient and most humble servant,

NICHOLAS COOKE.

Hon. S. HOPKINS and S. WARD, Esqs.

Congress had adjourned to the 5th day of September. A quorum for business did not attend until the 13th, when business was resumed. The same subjects that had engrossed attention before the adjournment, still demanded constant and unremitting consideration. The wants of the country to carry on a successful war had become more apparent. The war itself was increasing in importance by the additions made to the British army. The raising of men by the colonies was more easily accomplished than the clothing and arming of them. Various expedients were resorted to to effect these objects. There was still another want to be supplied. The supply of gunpowder was found to be wholly inadequate. A secret committee was charged with the importation of this article, but reliance could not be placed on this means of supply, when British cruisers were hovering all around the coast. Attempts were commenced for its manufacture. On the 16th of October, Congress appointed a committee on the proper means of promoting its manufacture. The subject had attracted the attention of our General Assembly at an earlier period. At the August session, 1775, they offered a bounty of three shillings per pound, for every pound of saltpetre that should be made in Rhode Island by the 26th of August, 1776, and three shill-

ings a pound for the saltpetre. A bounty of three shillings per pound on gunpowder imported before the first of April, 1776, was also offered. The bounty on the manufacture of saltpetre was afterwards increased. The importance of this subject gave rise to the following letter from

GOV. COOKE TO S. HOPKINS AND S. WARD.

PROVIDENCE, NOV. 27, 1775.

GENTLEMEN:—As I am well convinced that the Ministry will act in America next year with powerful armies, I am under the greatest apprehensions that we shall be deficient in that most necessary article of gun powder. The measures hitherto taken to provide it seem to me totally inadequate to our demands, and my attention hath been constantly turned towards a probable means of supplying them. I have thought of a plan which, if it be possible to carry it into execution, will answer our warmest wishes. By late experiment, it appears that saltpetre may be more expeditiously made by a more simple operation, out of earth taken from under buildings, than in any other way. I myself have set some leaches, and procured saltpetre of the best quality, from earth taken from under my barn, and am confident that the whole process may be completed in four days. I propose that the Congress address the inhabitants of the colonies, recommending it by the most cogent arguments and motives that the important subject will afford, to every farmer who hath a barn and crib, immediately to set up leaches in proportion to the dimension of his buildings, for the making of saltpetre. Let the Congress also recommend it to the several colonial assemblies and conventions to give such a price for it, for a limited time, as will be a sufficient encouragement to the undertaking, and to subject to penalties all those who have buildings suitable for the purpose and shall neglect or refuse, at this most critical conjuncture, to make an article so essentially necessary for the preservation of their country. In this case it will be necessary to appoint committees in every town and parish to care that the resolutions be punctually complied with. I suppose that the farmers who have large barns and cribs may, to their great profit, at a small expense, for each hogshead only, and by the same fire that keeps them warm, easily make during the course of the winter, thirty or forty pounds one with another. I make no doubt that sulphur, if early measures are taken, may be imported from the West Indies. I am told that any quantity may be had at the south part of Dominica, near the harbor of Roseau, where it is so plenty that boats may lay along side the banks and lade with it. By these means, it appears to me, that we may be seasona-

bly and fully supplied with gunpowder. If the Congress think the hint worthy of attention, the sooner they perfect them the better, as the southern colonies may be at work almost the whole winter, and in the northern colonies we may expect some intervals of open weather, when the earth may be got from under the buildings.

The following is a short account of the experiment I made. I set four molasses hogsheads for leaches of earth taken down as low as twelve inches, in the same manner as they are set to make soap, excepting that I did not use lime. They stood two nights and one day. I then drew off the lye, boiled it half way, strained it through ashes that had been leached before, then boiled it again until it was of a proper consistence (which is determined by putting it in a spoon or saucer to cool. If it shoots into crystals it is boiled enough,) and then set it in a vessel to cool. The next morning the saltpetre was made. In the evening I poured off the lye, put the saltpetre into a pail, poured boiling water upon it and stirred it until it was entirely dissolved, and set it away to cool. In the morning the saltpetre was perfectly clarified. I poured off the lye and boiled it again, from which I gained a considerable proportion of saltpetre. This was my first trial. Upon further experience I suppose great improvement may be made in the process.

I have just seen Mr. Ira Dean, of Cranston, who returned from Susquehannah last week. He informs me that he saw at the house of Mr. John Jenkins, of Exeter, in that purchase, one Jeremiah Blanchard, who showed them a parcel of earth taken, as he said, out of the side of a hill, which contained a vast proportion of saltpetre, and told them that any quantity might be obtained. I enclose you a small sample of it. Dean, who is to be relied upon, gives Jenkins a good character, but does not speak so favorably of Blanchard. The necessity of obtaining saltpetre is so great that we ought to take every chance. And as this matter can be ascertained at a small expense, I think it will be prudent immediately to send one or more trusty persons to the spot to make examination and experiments. They ought to be clothed with proper credentials from the Congress, upon account of the unhappy dispute between Pennsylvania and Connecticut.

We have now in the harbor of Newport, the *Rose*, the *Swan*, and the *Glasgow*, with a bomb brig and six tenders, and a large scow as a transport.

Captain Whipple, who sailed last night for Philadelphia, took a schooner of thirty tons from Boston, addressed to G. Rome, for fresh provisions. Captain Arnold, who came passenger in her, informs me that when he left Boston, which was ten days ago, about five hundred troops had arrived there.

All our accounts from the Continental army agree that the men re-enlist very slowly.

I desire you to procure and send me a particular account of the progress of making gunpowder, and of the proportions of the several ingredients, &c.

I am, with great esteem and regard, Gentlemen,

Your most obedient and humble servant,

NICHOLAS COOKE.

S. HOPKINS and S. WARD, Esqs.

Congress commenced issuing bills of credit in June, 1775. The amount first issued was \$3,000,000. Between that date and May, 1776, the sum of \$15,000,000 had been ordered. The bills were of various amounts, from one-sixth of a dollar to twenty dollars. Each bill by its terms entitled the bearer to the amount named on it, to be paid in Spanish milled dollars, or the value thereof in gold or silver. The faith of the colonies was pledged for their payment, each of which was to provide for its quota according to its population. The proportion of the first emission was to be paid by each colony in four equal annual payments, before the last days of November, in the years 1779, 1780, 1781 and 1782; and of the second, before the last days of November, in the years 1783, 1784, 1785 and 1786. The times for the payment of the other emissions remained to be fixed by Congress.

Governor Ward reported to the General Assembly of this Colony, at their session in August, 1775, the emission ordered in June preceding. The Assembly made it a lawful tender for all debts, at the rate of six shillings for a dollar, and provided the same penalties for counterfeiting these bills, as existed for counterfeiting their own lawful money bills. At the same session, they also voted that if any person refused to receive these bills, or the bills of credit issued by this Colony, or by any other of the American colonies, "he ought to be held and esteemed as an enemy, * * and destitute of that regard and obligation he is under to his country and the cause of liberty." From the proceedings of Con-

gress, it appears that some individuals in Philadelphia, as early as Nov. 23, 1775, refused to receive the Continental bills, and the bills of credit issued by Pennsylvania, in payment of or to give currency to the same. During the year 1775, the Colony of Rhode Island had issued £40,000 lawful money in bills of credit, bearing interest at $2\frac{1}{2}$ per cent. per annum. At the January session, 1776, these bills were called in, to be redeemed with Continental bills or with new Colony bills bearing no interest. But no legislation could prevent the subsequent depreciation of this paper currency, whether Continental or colonial. While the volume of emission was increased by prevailing necessity, it was depreciated by the same cause, until it became of less value than the paper on which it was printed. We follow its history thus far to show that this Colony pursued at the outset proper measures to give it value and currency.

On the 7th of January, 1776, Governor Ward addressed the following letter to Governor Cooke:—

S. WARD TO GOVERNOR COOKE.

PHILADELPHIA, 7th January, 1776.

SIR:— We have the honor of your letter of the 26th of last month. The marine service is of such vast importance that we doubt not of your utmost attention to it in all its branches. The ravages committed by the armed vessels, and the continual alarms raised by them, must be very distressing to the Colony, but what would not a wise man do or suffer to preserve his liberty, the alone source of human happiness and the only security for the permanent enjoyment of it. The Colony has bravely defended itself and supported the common cause of America. The next campaign, as our enemies will make every possible effort against us will, probably, require still greater exertions. We are, therefore, already in opinion with you that a regiment ought to be raised and kept up in the Colony at the Continental expense, and shall embrace the first favorable opportunity of applying for one. If, by the Divine blessing, we succeed next campaign, the burden of the war will be ours, and the re-establishment of our just rights and privileges will be the glorious reward of this arduous struggle.

The removal of the stock is of great importance, and we are happy to find that proper means are adopted for that purpose.

We lament that any persons should be so lost to virtue and the love of their country as to attempt to divide us, when our union is essential to our preservation, but we hope that the wise and temperate, and yet spirited conduct of the General Assembly, will prevent the intended mischief and preserve union in the Colonies.

We are concerned for the uneasiness occasioned by the different constructions of the resolve of the 15th of July last. We lately gave our opinion upon it, but horned cattle, sheep, hogs and poultry cannot be exported by it. Our extreme want of powder occasioned that resolve. No man ought to take advantage of the necessities of his country, to demand exorbitant prices for what she stands in need of, nor to abuse a license given by her to her injury, and should an instance of that kind happen, others ought by no means to violate her resolves, for if one of the resolutions of Congress is trampled upon, there will be no common bond of union left, no adequate power to collect and exert the united strength of the colonies. Confusion and certain destruction would soon follow. A moment's reflection must satisfy any one of this, and induce him, as he values every thing dear to human nature, religiously to support the resolves of Congress.

We are, with great regard, sir,

Your most obedient, humble servant,

SAMUEL WARD.

GOVERNOR COOKE.

P. S. — Mr. Hopkins is so engaged, he could not attend to look over the letters, and desired me to sign and forward them myself. For important news, I refer you to my letter to the Governor and Committee.

This moment an express from New York has brought the King's speech at the opening of Parliament, which I have enclosed. It is decisive. Every man must now be convinced, that, under God, our safety depends wholly upon a brave, wise and determined resistance. May Infinite Wisdom direct all your measures to the preservation of America in general, and the happiness of the Colony in particular.

S. WARD.

The letter to which the foregoing is a reply, unfortunately is not to be found. The "removal of the stock" undoubtedly refers to the removal of the cattle and sheep from Block Island, and the islands in the Narragansett Bay, to the main land. This was effected by order of the General Assembly,

and by officers and men appointed for that purpose in the autumn of 1775.

At that time, and for a long time after, Wallace, in the ship *Rose*, with other armed vessels, was in and near the harbor of Newport, controlling the trade of the Colony. Brigadier General Esek Hopkins had a military station on the island with a body of Colony troops. The town of Newport was authorized, for its own safety, by the Assembly, to negotiate with Wallace for supplying his ships with fresh provisions, under the supervision of Gen. Hopkins. That there were persons in the Colony who not only opposed an armed opposition to Great Britain, but were actively engaged against the colonies, appears from the preamble of an act of the Assembly passed in October, 1775, for the punishment of those found guilty of holding a traitorous correspondence with the ministry of Great Britain and their officers and agents, or of supplying the British army or navy with provisions, ammunition or pilotage. It is also to be inferred from the seizures of real estate directed to be made by the Assembly. These are probably the individuals referred to by Gov. Ward, as making an "attempt to divide us."

Congress, on the 15th of July, 1775, resolved "that for the better furnishing these colonies with the necessary means of defending their rights," every vessel importing certain specified arms and munitions of war within nine months from the passage of the resolution, should be permitted to load and export "the produce of the colonies" to the value of the arms and ammunition imported, notwithstanding the non-exportation agreement. The terms of the foregoing resolution are broad enough to embrace "horned cattle, sheep, hogs and poultry." The "opinion" given upon it, was most probably expressed in Congress Dec. 26, on the resolution then adopted to obtain an account of the arms and ammunition imported pursuant to the resolution of July 15th.

It is evident that a patriot heart guided the hand that wrote this letter.

At the January session of the General Assembly, (1776,) William Bradford, Deputy Governor; Henry Ward, Secretary of the Colony; William Ellery, Joseph Brown, Henry Marchant, Sylvester Child and Gideon Mumford were appointed to draft "a suitable address to the Honorable the Continental Congress, representing the inability of the Colony, from its situation, smallness and poverty to defend itself," and praying assistance. They reported the following, which was adopted:—

TO THE HONORABLE THE DELEGATES OF THE UNITED COLONIES, now convened in General Congress in Philadelphia:—

We, the General Assembly of the English Colony of Rhode Island and Providence Plantations, beg leave to represent to you the state and condition of said Colony, and to request such assistance as our situation, and the welfare of the United Colonies shall appear to require.

Soon after the conclusion of the late glorious war, in the successes of which the colonies had so considerable a share, we were alarmed with divers acts of the British Parliament, strongly indicating a design to divest the colonies of those rights which are essential to the freedom of a people, and which they had enjoyed, with but few innovations, from their first settlement.

The act passed in 1765, for levying stamp duties in America, and many subsequent acts, manifested that design so clearly as to leave no room for a doubt. This Colony, ever tenacious of its liberty, zealously took part in all the common measures entered into for the common safety. When, at length, the ministerial troops, by the attacks at Lexington and Concord, had reduced us to the necessity of immediately taking up arms or of submitting to a slavery which, at the distance we are placed from the power to be exercised over us, must be the most absolute and terrible that we can form an idea of, this Colony, notwithstanding its exposed situation, did not hesitate; it did not wait for the example of more powerful colonies, but conforming itself to the spirit of the resolutions of the Honorable the Continental Congress of 1774, ordered a body of men to be raised and marched to the encampment near Boston.

Unfortunately, this Colony is scarcely anything but a line of sea coast. From Providence to Point Judith, from thence to Pawcatuck river, is

nearly eighty miles. On the east side of the bay, from Providence to Seaconnet Point, and including the east side of Seaconnet until it meets the Massachusetts line, is about fifty miles ; besides which are the navigable rivers of Pacatuck and Warren. On the west side, the Colony doth not extend twenty miles, and on the east side not more than eight miles, from the sea coast above described. In the Colony are also included the following islands : Rhode Island, about 16 miles in length ; Conanicut, 9 ; Block Island, 9 ; Prudence, 7 ; and the smaller islands, Patience, Hope, Gould Island, and several others ; all which are cultivated and fertile, and contribute largely to the public expenses. The greater part of the above-mentioned shores are accessible to ships of war.

By an exact estimate, taken in the year 1774, the whole number of the inhabitants in the Colony amounted to 59,678. The town of Newport contained 9,209, was the principal place of trade, and paid above one-sixth of the public taxes. A very considerable commerce was also carried on from Prudence, and several small towns in the Colony were also concerned in trade and navigation. Ship building was a great branch of business. In short, the inhabitants of this Colony derived their subsistence almost wholly from commerce. The convenient situation of this Colony for receiving supplies from the other colonies for the Continental army near Boston, we suppose, was a principal reason why so great a number of the King's ships have been stationed in our bay. We have had for above seven months past, two ships of twenty guns, one of sixteen, a bomb ketch and about eight tenders, who have made prizes of more vessels belonging to this Colony than have been lost by any other ; have put almost a total end to commerce ; have committed repeated depredations in different parts of the Colony ; have kept our coasts constantly alarmed, and obliged the inhabitants to keep almost continually under arms. The once flourishing town of Newport, by the loss of trade and consequent cessation of all business, instead of being able to contribute to the expenses of the war, hath been reduced to so deplorable a state, that we have been obliged to grant money out of the general treasury for the support of their poor, and many of the wealthy inhabitants have not only left the town but the Colony. Conanicut and Prudence, lately the scenes of the most wanton and savage desolation and barbarity, are deserted ; New Shoreham, from its situation, is rendered worse than useless to the Colony, and the other islands, will no longer be of service to any but the enemy.

The troops sent by this Colony to the army near Boston, amounted to about 1,700, inclusive of officers, of which 250 are in Col. Arnold's detachment in Quebec ; many have entered on board the armed vessels fitted out by Gen. Washington ; particularly almost every officer and seaman in the

brig commanded by Capt. Martindale, unfortunately taken and carried into Boston, belonged to this Colony; and of the others, the greater part by far have reënlisted into the Continental service, so that very few have returned or can return.

We fitted out two armed vessels for the protection of our commerce and coasts, which carried upwards of 100 men, one of which is now at Philadelphia, in the Continental service, with the greater part of her crew. Above 100 men have also been enlisted for the Continental navy. We have also built and equipped two row galleys, to carry fifty men each. Besides these extraordinary exertions, we were alarmed, in October last, with the arrival of a number of transports from Boston, destined to procure fresh provisions for the ministerial army. To prevent their obtaining supplies, was an object of such great importance as obliged us to send a number of minute men upon the several islands to defend the stock, which created a most enormous expense. When the Assembly met in November, a regiment of 500 men was ordered to be raised, for the defence of Rhode Island and the other islands. Notwithstanding which, we have been obliged, repeatedly, to call forth our minute men. To prevent the great charge of which, we have augmented the regiment ordered to be raised in November to 750 men, exclusive of a company of artillery, consisting of 105 men with their officers, and have also voted another regiment of 750 men to be immediately raised and equipped, besides 238 artillerymen, for the management of thirty-four field pieces, ordered to be procured and placed in the several towns upon the sea coast.

We have ordered sixty cannon, eighteen and twelve pounders, to be cast, and have already sent a vessel with a very valuable cargo to purchase powder and other warlike stores, and are fitting out another which will soon sail.

From the above representation of our situation, exertions and losses, and the depredations of the enemy, which are not exaggerated, the exhausted state of the Colony and its utter inability to maintain the present force established and voted, as well as to take any other measures, will clearly appear.

We need not observe to you, the great importance of Rhode Island, or the damages that would be sustained by the enemy's possessing themselves thereof, its harbor and the adjoining Narragansett Bay being greatly superior to any other in America, and its convenient situation with respect to the sea and the other colonies, making it still more important.

We therefore request that you will give the earliest attention to this address, and have no doubt that you will take the most proper measures for defending the Colony, otherwise Rhode Island and the other islands in

the bay, with the surrounding sea coast upon the continent, must be depopulated and the Colony entirely ruined.

We submit the foregoing to your judicious determination,

And are, with great respect and confidence,

Your Honors' most obedient, humble servants,

WILLIAM BRADFORD,	HENRY MARCHANT,
HENRY WARD,	SYLVESTER CHILD,
WILLIAM ELLERY,	GIDEON MUMFORD.

Signed at the request and in behalf of the General Assembly.

PROVIDENCE, January 15, 1776.

This memorial was enclosed in the following letter from Gov. Cooke :—

PROVIDENCE, Jan. 21st, 1776.

GENTLEMEN :—I enclose you, at the request of the General Assembly, an Address to the Congress, representing the deplorable state of the Colony, and praying for assistance.

We might have entered into a more minute detail ; but the Assembly, having a full reliance upon your giving the Congress every needful information respecting the Colony, thought it unnecessary. You will please deliver and enforce it as soon as you have a rational prospect of its meeting with success. Notwithstanding, the propriety of our petition is such that we ought not to doubt of its being granted, yet it may be prudent to interest some of the leading members in our favor before it is brought on. But as you are upon the spot, the whole matter must be submitted to you, and I am perfectly satisfied that you will manage it with proper address.

The General Assembly are not without hopes, that the Congress will take the whole-brigade into their service ; especially, as the necessity, arising from so powerful an invasion, of establishing the whole force we have ordered is clear and manifest, and you will use your utmost endeavors to procure a resolution for that purpose.

From the nature of the war and the circumstances of the colonies, every idea of partial and colonial defence ought to be given up. There must be a supreme, superintending power, to exert and direct the force of the whole, for the safety and defence of all, otherwise the exertions and burdens will not only be very unequal, to the great endangering of the union upon which the welfare of America depends, but colony after colony may be subdued without a chance of making resistance.

I will only add upon this head, that our circumstances will not admit of

delay, and that unless the Congress enter upon the defence of the Colony, it must be abandoned.

I am also, at the request of the General Assembly, to desire you "to inform them what information you have had respecting any letters being written by any one of the inhabitants of this Colony, to any person in the city of Philadelphia, respecting the situation of the town of Newport, and the supplying of Capt. Wallace with provisions; and of any reflections that have been cast by such letters upon any part of this Colony; and to inform them of the names of such letter-writers, and to procure and transmit to them copies of such letters, if they can be obtained.

The particulars of the unfortunate attack upon Quebec are not yet come to hand. I suppose you have received them before now. It is a severe check, but we have still great successes to be thankful for, and in a war so extensive we must expect to meet with some disagreeable events. I most sincerely sympathize with Mr. Ward upon this occasion, and heartily wish he may have some comfortable intelligence from his son.

I am informed by a letter from New Providence, that the militia from the western parts of Connecticut are pushing off in sleighs, in great numbers, for Canada.

The Secretary tells me he hath given his brother an account of the descent upon Prudence. I shall only add, that the stock is now very nearly removed. In consequence of the recommendation of the members of the General Congress, as mentioned in Mr. Ward's letter, the Assembly have agreed to supply the King's ships, as you will see by the enclosed vote. But as Wallace may cannonade and even burn the town, a discretionary power by a private vote which it is designed shall be kept a profound secret, is given to the commander of the forces on Rhode Island, to permit supplies in cases of imminent danger, until the next session, to be hoken on the last Monday in February.

Capt. Greenell hath exerted himself greatly in procuring men for the navy, and hath an inclination to enter the service if he can obtain a place sufficient to support himself and family. I beg leave to commend him to your assistance.

I am, with great truth and regard, Gentlemen,

Your most obedient and most humble servant,

NICHOLAS COOKE.

To the Hon. S. HOPKINS and S. WARD, Esqs.

It appears from the foregoing letter, that the mode and time of presenting the enclosed address to Congress was left

the bay, with the surrounding sea coast upon the continent, must be depopulated and the Colony entirely ruined.

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I am, with great truth and regard, Gentlemen,

Your most obedient and most humble servant,

NICHOLAS COOKE.

To the Hon. S. HOPKINS and S. WARD, Esqs.

It appears from the foregoing letter, that the mode and time of presenting the enclosed address to Congress was left

to the discretion of the delegates. That it was presented is now left to be inferred from the acts of Congress upon the matters stated in it. On the 11th of May, 1776, on the report of the committee on the state of the eastern colonies, Congress resolved "that the two battalions, directed by the Assembly of Rhode Island to be raised, be taken into Continental pay," the one ordered in November, from the time they were armed, clothed, and fit for duty, and the one ordered after that time, as soon as they should be armed and mustered into service.

At the October session, 1775, the General Assembly, in a memorial from the town of Newport, voted and resolved, that that town "may, for the safety thereof, as far as may consist with the general safety, negotiate with Captain Wallace for the supplying of his ships there with beef, beer, &c., as heretofore, upon his stipulating that the ferry boats and wood boats, with their passengers, &c., pass and repass unmolested, with the common supplies for the town, of the common and usual necessities of life." This was the resolution in force at the date of the Governor's letter of January 21. "The private vote" therein referred to cannot be found. A similar arrangement continued for sometime with Captain Wallace. It was the only means they had to prevent the destruction of the town.

Congress, on the 20th day of January, 1776, passed a resolve, recommending "to the General Assemblies, Conventions, Councils of Committees of Safety, upon the Continent, to collect all the gold and silver coin they can," "to enable the operations of the army in Canada to be carried on efficiently." This resolve came before the General Assembly of this Colony in February, 1776, and they appointed a committee of fifty persons in addition to the committee of safety and the commissary, for that purpose. Besides these, every member of the Assembly was requested "to use his

best endeavors to promote the above mentioned service." The committee of safety was authorized to receive from the General Treasury lawful money bills, to be exchanged for coin. Before the resolve of Congress was laid before the Assembly, Governor Cooke acknowledged its receipt in the following letter to the delegates:—

PROVIDENCE, Feb. 21, 1776.

GENTLEMEN:—The resolve of Congress for procuring gold and silver coin is come to hand. I shall lay it before the General Assembly next week. But in the meantime, I think it necessary to acquaint you, that the Colony has been so exhausted of hard money by the supplies of Colonel Arnold, and for the great quantity of provisions and available stores that have been purchased, that Congress can have no dependence upon receiving any from this Colony.

I am, with great esteem and regard, gentlemen,

Your most obedient and most humble servant,

NICHOLAS COOKE.

After the action of the Assembly, the Governor sent the following letter to the delegates:—

PROVIDENCE, March 5, 1776.

GENTLEMEN:—The General Assembly have appointed a large committee to procure gold and silver coin for the service of the army in Canada, and directed them to pay the sums they shall receive into the General Treasury within one month. There are several gentlemen in this Colony who have considerable sums due to them in Canada. It is proposed to take drafts from them, and upon the money being paid in Canada, to pay the drawers here. But, as the payment will be very uncertain, I do not think any dependence should be placed upon this mode of supply. I shall be glad of your sentiments upon the matter, which, if you write by the next post after this comes to hand, will be received here timely.

The General Assembly have appointed three of the inhabitants of New Shoreham, a committee, to determine what stock is absolutely necessary for the subsistence of the inhabitants, and to remove the remainder. They have also directed all the arms to be taken from the island.

Colonel West, who hath acted as commander of the forces upon Rhode Island, resigned his commission, and the command hath devolved upon Colonel Babcock. The office of brigadier general is still vacant.

We meet with great difficulty in procuring arms for the brigade. Numbers of the men are waiting only for that article to proceed to Rhode Island. Besides which, there is a great deficiency in the militia. Near one-half of them are destitute, and which I very much fear, cannot be made up. Please to let me know whether fifteen hundred can be procured in Philadelphia, and at what price, or whether they will be supplied by Congress. We have but very little more than ten tons of powder in the Colony. The Assembly have appointed a committee to purchase arms and ammunition in case any shall arrive.

Last Saturday night, General Washington began to bombard Boston from Lechmere's Point. We threw about a bomb an hour, and the enemy returned four or five for one. The greatest preparations are made for taking possession of Dorchester Point, which we imagine must bring on a brisk action. But I suppose you have more particular accounts directly from Cambridge than it is in our power to give you.

The General Assembly stands adjourned to the last Monday in this month, at East Greenwich.

This letter was designed to have been sent by the post; but his going yesterday out of his course hath prevented my writing by him.

I am with great esteem and regard, gentlemen,

Your most obedient, humble servant,

NICHOLAS COOKE.

To the Hon. S. HOPKINS and S. WARD, Esq.

Samuel Ward, one of the delegates from this Colony, died at Philadelphia, on the 25th day of March, 1776, of the small pox. Mr. Hopkins, S. Adams, and Mr. Walcott, were appointed by Congress to superintend the funeral. They were directed by Congress to apply to the Rev. Mr. Stillman, and request him to preach a funeral sermon on the occasion, which he did. The Assembly and Committee of Safety of Pennsylvania, were specially invited to attend the funeral, which took place on the 27th day of March. Congress attended in a body, the members with a crape around the arm, which was worn for one month. In the death of Governor Ward Congress lost one of its most honored and influential members, and the Colony a faithful and patriotic delegate. At the time of his death he was in the sixty-first year of

his age ; a graduate of Harvard University, and educated a merchant. For the greater part of the last twenty years of his life, he held offices of honor bestowed upon him by his fellow citizens. As a representative to the General Assembly, as Chief Justice and Governor of the Colony, he was respected and honored because he dignified the offices he held, by a faithful discharge of their duties. He was among the earliest and firmest friends and advocates of colonial rights. He had a most decided faith in the final result of the unequal contest between the colonies and Great Britain. In a letter to his family, he wrote, "that the issue of this same contest will be the establishment of our liberties, I as firmly believe as I do my existence." At a later date, when all hopes of an adjustment of the difficulties had ceased, he writes : " My anxiety is now at an end. I am no longer worried with contradictory resolutions, but feel a calm, cheerful satisfaction in having one great and just object in view, and the means of obtaining it certainly, by the Divine blessing, in our own hands." Such sentiments enabled him to endure the severe mental and bodily labor to which he was subjected in Congress. In a letter to his brother, Henry Ward, then Secretary of the Colony, he thus gives vent to his feelings :—

I have traced the progress of this unnatural war through burning towns, devastation of the country, and every subsequent evil. I have realized with regard to myself, the bullet, the bayonet and the halter, and compared with the immense object I have in view, they are less than nothing. No man living, perhaps, is more fond of his children than I am, and I am not so old as to be tired of life, and yet as far as I can judge, the tenderest connections and the most important private concerns are very minute objects. Heaven save my country, I was going to say, is my first, my last and almost my only prayer.

Gov. Ward, for many years before his death, had been a member of the Seventh Day Baptist church. He lived the

religion he professed. It gave a deeper tint to his patriotism, and added an earnest, consistent, serious devotedness to the cause of his country which could result from no other cause. His body was interred in the burial place of the First Baptist church, in Philadelphia. At the session of the General Assembly, in May, 1776, the following resolutions were passed:—

WHEREAS, The Hon. Samuel Ward, Esq., late a delegate for this Colony in the Continental Congress, hath lately deceased in the city of Philadelphia, in testimony of the respect due to his memory, and in grateful remembrance of his public services,

RESOLVED, That his executors or administrators are desired as soon as may be, to exhibit to this Assembly an account of his funeral expenses for payment.

AND IT IS FURTHER RESOLVED, That the delegates for this Colony for the time being be instructed to erect a decent tombstone or monument of marble, with such inscription as they shall think suitable, over the place where his body hath been deposited, at the expense of this Colony.

Such a monument was subsequently erected. In the year 1860, the remains of Governor Ward were removed to Rhode Island, and they now lie interred in the Colony of his birth, made a free State by the patriotism of himself and his associates

The session of Congress from May, 1775, was a continuous one for years. Delegates were generally appointed for one year, from the time of their election. This time of election varied in different colonies. As often as the term of office of any delegate expired, a new delegate succeeded him, or there was a re-appointment of the old delegate for another term. As the delegates from this Colony were elected for one year from the meeting of this Congress, (May 10, 1775,) the close of their term naturally leads to a pause, and a general review of their labors.

The journals of Congress afford very scanty materials for

this purpose. Congress sat with closed doors. Their proceedings generally were at the time under the seal of secrecy. Little, very little more than was absolutely necessary, appears on their journals. There was no reason to hope for more, when the holding of the Congress had been denounced as treasonable. Enough appears to warrant the belief, that the delegates from this Colony performed their full share of labor, and received a full share of honor. Hopkins was appointed in June, 1775, one of a committee of seven, to put "the militia of America in a proper state for the defence of America." In September, Ward was one of a committee of five, "to take into consideration the memorial of the Commissary General, and to report the means of supplying the army with provisions." He was also one of the committee on accounts and claims, which required much time and attention. Hopkins was one of a committee of five, on the dispute between Connecticut and Pennsylvania, in relation to the western boundary of Connecticut. He was also one of the committee to which was referred application of a district in Nova Scotia to be admitted into the union. On the 18th of September, Congress appointed a secret committee to contract for the importation of five hundred tons of gunpowder. This committee was afterwards charged with the duty of importing a further supply of powder, saltpetre, sulphur and arms. Mr. Ward was one of this committee. He was also one of the standing committee raised to receive applications for office in the army, and to examine into the qualifications of applicants. Congress appointed a committee to inquire into the number of cannon requisite for the defence of the United Colonies, and to devise ways and means of procuring them. Mr. Hopkins was one of this committee, and also of the naval or marine committee. Ward was appointed in March, 1776, with six others, to report the ways and means of raising supplies for the year, over and

besides the emission of bills of credit. When Congress resolved itself into a committee of the whole, Ward generally presided over their deliberations. Of the numberless matters of minor importance which came before the Congress, as the only officers that controlled the united efforts of the colonies, very many were entrusted to committees, of which one or both of this Colony's delegates was a member.

CHAPTER II.

1776 TO MAY, 1777.

FORM of government in Rhode Island not affected by the war—Act requiring oath of allegiance to the King repealed—Earliest action of the kind on the part of any of the Colonies—Letter respecting from Gov. Cooke to Stephen Hopkins—Hopkins's reply—Provision of Congress for the internal government of the Colonies—Stephen Hopkins and William Ellery elected Delegates to Congress, at the May session of the General Assembly—Commission—Remarks concerning—Soul liberty—Executive Committee of the General Assembly as a Council of War during recess—Memorial from to Congress, respecting the retaining in the Colony of twenty pieces of cannon—Letter from the Delegates to Gov. Cooke—Declaration of Independence—Resolution of the General Assembly respecting—Correspondence between the Executive and Delegates—Return of Stephen Hopkins from Philadelphia—Commodore Esek Hopkins—Correspondence between the Executive and William Ellery—Census of Rhode Island—Correspondence continued—Loan offices established by Congress—William Bradford elected a Delegate—Name not mentioned in Journals of Congress—Henry Marchant elected a Delegate—First law passed by the General Assembly in March, 1777, for the election of Delegates—Correspondence—Sessions of Congress—Review of the labors and honors of the Delegates from Rhode Island.

THE form of government of this Colony, was not in the least affected by the war raging between Great Britain and the colonies. The freemen continued to elect their Governor, and all their officers, as they had been accustomed to do under their charter for more than one hundred years. Thus, when the Governor elected by the people in May, 1775, refused to do his duty, the people removed him, and appointed another in his place.

At the May session, 1776, the Assembly had become impressed with the impropriety of requiring officers of the Colony to take an oath of allegiance to a King, against whose troops they were carrying on a war. On the 4th day of that month they therefore passed the following law:—

AN ACT FOR REPEALING AN ACT, ENTITLED, “AN ACT FOR THE MORE effectually securing to His Majesty the allegiance of his subjects in this his Colony, and dominion of Rhode Island and Providence Plantations,” and altering the forms of commissions, of all writs and processes in the courts, and of the oaths prescribed by law.

WHEREAS, In all states existing by compact, protection and allegiance are reciprocal, the latter being due only in consequence of the former; and whereas, George the Third, King of Great Britain, forgetting his dignity, regardless of the compact most solemnly entered into, ratified and confirmed to the inhabitants of this Colony by his illustrious ancestors, and till of late recognized by him, and entirely departing from the duties and character of a good king, instead of protecting, is endeavoring to destroy the good people of this Colony, and of all the United Colonies, by sending fleets and armies to America, to confiscate our property and spread fire, sword and desolation throughout our country, in order to compel us to submit to the most debasing and detestable tyranny, whereby we are obliged by necessity, and it becomes our highest duty, to use every means with which God and nature have furnished us in support of our invaluable rights and privileges, to oppose that power which is exerted only for our destruction,

BE IT THEREFORE ENACTED by this General Assembly, and by the authority thereof it is enacted, that an act entitled “An act for the more effectual securing to His Majesty the allegiance of his subjects in the Colony and dominion of Rhode Island and Providence Plantations,” be, and the same is, hereby repealed.

AND BE IT FURTHER ENACTED by this General Assembly, and by the authority thereof it is enacted, that in all commissions for officers, civil and military, and in all writs and processes in law, whether original, judicial or executory, civil or criminal, wherever the name and authority of the King is made use of, the same shall be omitted, and in room thereof the name and authority of the Governor and Company of this Colony shall be substituted in the following words:—“The Governor and Company of the English Colony of Rhode Island and Providence Plantations.” That all such commissions, writs and processes shall be otherwise of the same form and tenor as they heretofore were. That the courts of law be no

longer entitled nor considered as the King's courts. That no instrument in writing of any nature or kind, whether public or private, shall in the date thereof mention the year of the said King's reign: Provided, nevertheless, that nothing in this act contained shall render void or vitiate any commission, writ, process or instrument heretofore made or executed on account of the name and authority of the said King being therein inserted.

Then follow the forms of oaths prescribed for "general officers," "deputies," "judges," "jurors," etc., etc., by which said officers engage "to be true and faithful unto this Colony."

The original draft of this act, in the office of the Secretary of State, is in the hand-writing of Dr. Jonathan Arnold, then one of the "deputies," or representatives from the town of Providence, and subsequently a delegate from this State to Congress. The act passed the House of Representatives, after debate, almost unanimously, there being only six votes against it. It is believed to be the earliest vote of the kind passed by any of the colonies. It severed the connection between Rhode Island and the British crown, and the English Colony of Rhode Island became henceforth a sovereign State.

The printed schedules of the proceedings of the General Assembly up to this session, bore on their title page the arms of Great Britain, and closed with the formal prayer, "God save the King." In the printed schedule of this session, the arms of Great Britain are superseded by the arms of the State, supported by the Goddess of Liberty on the one side, and by the figure of an Indian on the other. The motto, "In God we hope," waved over the anchor, and under the whole, "No inquisition court." The formal prayer for the King was omitted. Governor Cooke dispatched a copy of this act of the General Assembly to Gov. Hopkins, then in Congress with a letter, from which the following is an extract:—

besides the emission of bills of credit. When Congress resolved itself into a committee of the whole, Ward generally presided over their deliberations. Of the numberless matters of minor importance which came before the Congress, as the only officers that controlled the united efforts of the colonies, very many were entrusted to committees, of which one or both of this Colony's delegates was a member.

CHAPTER II.

1776 TO MAY, 1777.

FORM of government in Rhode Island not affected by the war—Act requiring oath of allegiance to the King repealed—Earliest action of the kind on the part of any of the Colonies—Letter respecting from Gov. Cooke to Stephen Hopkins—Hopkins's reply—Provision of Congress for the internal government of the Colonies—Stephen Hopkins and William Ellery elected Delegates to Congress, at the May session of the General Assembly—Commission—Remarks concerning—Soul liberty—Executive Committee of the General Assembly as a Council of War during recess—Memorial from to Congress, respecting the retaining in the Colony of twenty pieces of cannon—Letter from the Delegates to Gov. Cooke—Declaration of Independence—Resolution of the General Assembly respecting—Correspondence between the Executive and Delegates—Return of Stephen Hopkins from Philadelphia—Commodore Esek Hopkins—Correspondence between the Executive and William Ellery—Census of Rhode Island—Correspondence continued—Loan offices established by Congress—William Bradford elected a Delegate—Name not mentioned in Journals of Congress—Henry Marchant elected a Delegate—First law passed by the General Assembly in March, 1777, for the election of Delegates—Correspondence—Sessions of Congress—Review of the labors and honors of the Delegates from Rhode Island.

THE form of government of this Colony, was not in the least affected by the war raging between Great Britain and the colonies. The freemen continued to elect their Governor, and all their officers, as they had been accustomed to do under their charter for more than one hundred years. Thus, when the Governor elected by the people in May, 1775, refused to do his duty, the people removed him, and appointed another in his place.

United Colonies, where no government sufficient to the exigencies of their affairs hath been hitherto established, to adopt such government as shall in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general." On the 15th of the same month, they ordered the above resolution to be published, with the following preamble:—

WHEREAS, His Britannic Majesty, in conjunction with the Lords and Commons of Great Britain, has, by a late Act of Parliament, excluded the inhabitants of these United Colonies from the protection of his crown ; and whereas, no answer whatever to the humble petition of the colonies for redress of grievances and reconciliation with Great Britain has been, or is likely to be given, but the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these colonies ; and whereas, it appears absolutely irreconcilable to reason and good conscience for the people of these colonies now to take the oaths or affirmations necessary for the support of any government under the crown of Great Britain, and it is necessary that the exercise of any authority under the said crown should be totally suppressed and all the powers of government exerted, under the authority of the people of the colonies for the preservation of internal peace, virtue, and good order, as well for the defence of their lives, liberties and properties against the hostile invasions and cruel depredations of their enemies ; therefore, resolved, &c.

This resolution, with the preamble, falls but little short of a declaration of absolute independence. The necessity of some provision for the internal government of the colonies, during the continuance of the war with Great Britain, had before this attracted the attention of different colonies. As early as May 15, 1775, the Provincial Congress of Massachusetts addressed a letter to Congress on the subject. Congress in reply by resolution of the 9th of June, recommended that the provincial convention should request the inhabitants to choose representatives, and that the representatives so chosen should choose Councillors, and that the Assembly and Coun-

cil so chosen should exercise the powers of government, until a governor of His Majesty's appointment will consent to govern according to charter. And afterwards, in October following, the delegates from New Hampshire presented their instructions, "to obtain the advice and direction of Congress with respect to the method of our administering justice and regulating our civil police." Congress advised the provincial convention of New Hampshire to call a full and free representation of the people, "and that the representatives establish a form of government during the continuance of the present dispute between Great Britain and the colonies." Similar advice was given to other colonies that applied to Congress in this behalf. These, it will readily appear, fall far short of the recommendation of May 10, 1776, being, by their terms, only for temporary purposes.

At the same May session of the General Assembly (1776), Stephen Hopkins and William Ellery, of Newport, were selected delegates to Congress. They were elected in a grand committee of both houses of the Assembly, as had been the immemorial usage in the election of Colony officers. Previous elections of delegates appear to have been made by resolutions passed by concurrent vote of both houses of the Assembly. This change in the mode of election would seem to imply that delegates to the Continental Congress were recognized among the necessary permanent officers of the new sovereignty, and therefore, to be elected as the other officers of that State. The instructions are embodied in their commission, which was as follows:—

THE GOVERNOR AND COMPANY OF THE ENGLISH COLONY OF RHODE ISLAND and Providence Plantations in General Assembly convened, to Stephen Hopkins and William Ellery, Esquires, GREETING:

WHEREAS, this Assembly, reposing special trust and confidence in your abilities and integrity, have appointed you, the said Stephen Hopkins and William Ellery, delegates to represent this Colony in the General Congress.

You are, therefore, hereby empowered to join with the delegates of the other United Colonies in Congress at Philadelphia, as soon as conveniently may be, or at such other time and place as shall be agreed upon by the major part of the delegates from the said colonies. You are also authorized and empowered to consult and advise with the delegates of the said colonies, upon the most proper measures for promoting and confirming the strictest union and confederation between the said United Colonies, for exerting their whole strength and force to annoy the common enemy, and to secure to the said colonies their rights and liberties, both civil and religious, whether by entering into treaties with any prince, state or potentate, or by such other prudent and effectual ways and means as shall be devised and agreed upon, and in conjunction with the delegates from the said United Colonies, or the major part of them, to enter into and adopt such measures; taking the greatest care to secure to this Colony, in the strongest and most perfect manner, its present established form, and all the powers of government so far as relates to its internal police and conduct of our own affairs, civil and religious.

You are also instructed and directed to exert your utmost abilities in carrying on this just and necessary war in which we are engaged, against our cruel and unnatural enemy, in the most vigorous manner, until peace shall be restored to the said colonies, and their rights and liberties secured upon a solid and permanent basis. You are also empowered to join with the major part of the delegates of the said United Colonies, in adjourning from time to time, and to such place or places, as shall be thought proper, for and during one year. You have it in express charge to make immediate application to Congress to put the Colony brigade upon the Continental establishment, and to defray the expenses of it from the first enlistment of the troops, as that number is indispensably necessary for the defence of this Colony, which is utterly unable to support them. And as it may happen that from sickness or other necessary cause, one of you may be absent from Congress, in such case the other is hereby as fully empowered to represent the Colony as though both were present and agreed in sentiment.

In behalf of the General Assembly, I have hereunto set my hand and caused the seal of the Colony to be affixed this sixth day of May, in the year of our Lord one thousand seven hundred and seventy-six.

NICHOLAS COOKE, GOVERNOR.

By his Honor's command, HENRY WARD, Secretary.

The attention of the reader is particularly requested to the terms of this commission. Hitherto the delegates had

been restricted to advisory recommendations to the colonial government, to be adopted and carried into effect by them. The circumstances of the United Colonies in May, 1776, required that Congress should possess more extensive powers, and the ability to carry them out without the action of colonial legislatures. Such power was by this commission conferred on the delegates of Rhode Island. They were "to consult and advise with the delegates from the other colonies, upon the most proper measures for promoting and confirming the strictest union and confederation" between the colonies, in order to secure the exertion of the whole "force against the common enemy, and to secure the rights of the colonies, civil and religious," "and in conjunction with the delegates from the said United Colonies, or the major part of them, to enter into and adopt such measures." No reference is had to the future action of the General Assembly, leaving it to Congress to determine what were "the most proper measures," and to provide for carrying them into effect. To this grant of power there is one limit, and a most important one, in these words:—"Taking the greatest care to secure to this Colony, in the strongest and most perfect manner, its present established form, and all the powers of government so far as relates to its internal police and the conduct of our affairs, civil and religious."

Those who are acquainted with the early history of Rhode Island will not be surprised at this limit to the powers of its delegates in Congress. If there was any value in soul liberty, any truth in the doctrines adopted by the Colony in the foundation of its civil government, that civil magistrates have authority only in civil things, and have not rightfully any control or jurisdiction in matters of religion, that civil government emanates from the people and rests only on the consent of the governed, the General Assembly could not leave the inhabitants of the Colony to be governed, or their

rights controlled or in any way affected within the Colony by any power without the Colony, or not originating from them. It would have been in effect an abrogation of the sovereignty that the Colony had assumed. They would never have been pardoned had they not remembered, that the propagation of these principles had subjected their ancestors to persecution, and imperiled the very existence of the Colony in times past, that neighboring governments embracing and maintaining other and opposite doctrines, had always opposed this Colony for avowing and adopting them. Their fathers had suffered too much for their distinctive opinions to have them jeopardized. So long as these opinions were not avowed and adopted by the other colonies, they would be in danger if the other colonies were admitted to legislate for this Colony. Rhode Island was earnest for an effective union of all the colonies, earnest for an annual Congress to perfect that union, earnest for a confederation, and equally earnest against any consolidation of the colonies, and earnestly opposed to all legislation by Congress or Parliament, or any other body which might alter "the present established form and all the powers of government so far as it relates to its internal police and the conduct of its own affairs, civil and religious;" in fine, any thing that would affect its sovereignty.

This was the political creed of Rhode Island in 1776. It gave color to all proceedings down to her adoption of the Constitution of the United States.

It appears from the letter last given from Governor Hopkins to Governor Cooke, that the Colony brigade was put on the Continental establishment on the 11th of May, 1776, before the instructions just copied reached Philadelphia. General Washington used his influence for that purpose, and at the session in June, the General Assembly tendered him their thanks for his interposition on that subject.

At the May session, 1776, the General Assembly appointed a committee "to inquire what wages the several colonies allow their delegates for attending on the Continental Congress." There is no report on file. The delegates from this Colony continued, from time to time, to present their accounts for services and expenses, which were allowed and paid after due examination, and sometimes after a long delay.

The General Assembly almost from the very commencement of the troubles with Great Britain, was accustomed to appoint a committee to act in the recess. Such committees generally consisted of members of the Assembly, and generally other members not specially named, were authorized to attend the meetings of this committee. Their powers varied at different times, but generally they were little more than executive, to carry out the plans of the Assembly, and to act as a council of war. This was found necessary, although the Assembly held a session almost every month in the year. Such a committee was appointed at the May session, 1776. Between that session and the one in the month following, this committee addressed the following memorial to Congress:—

TO THE MOST HONORABLE, THE DELEGATES OF THE UNITED COLONIES IN Congress assembled, at Philadelphia:—

In the absence of the Governor and Deputy Governor, Esek Hopkins hath applied to us for the redelivery of twenty pieces of cannon, which he hath landed in this Colony. We have thought it absolutely necessary to detain them until your honors should be made acquainted with the circumstances of the Colony, not doubting but that upon mature consideration, it would be thought best for the common interest to permit them to remain here. We beg the most favorable construction of the measure, and assure your honors that no persons living are more sensible of the necessity of establishing the authority of Congress, or more ready to pay obedience to it.

Your honors have doubtless frequently, with pain, reflected upon the unhappy state of the town of Newport, which was entirely defenceless,

surrounded by a powerful naval armament, and daily threatened with and in danger of immediate destruction, for it was incontestably in the power of the British fleet to destroy it at pleasure. In this situation it is not at all strange, that near a third of the inhabitants removed, and that a majority of the remainder were induced to temporize and even to assume an appearance rather unfriendly to the united colonies. To this situation alone, is the former conduct of Newport to be attributed, and not to the want of spirit or love of their country. In this state of affairs, the British fleet quitted the harbor, and Commodore Hopkins most providentially arrived with twenty-six cannon and some shot, which he offered to the town. The inhabitants elated with the prospect of having this means of defence, assembled in a full town meeting and immediately entered upon it with vigor. This decided resolution gave every friend of the United Colonies a new spring, as many of us looked upon Newport as worse than lost to the common cause. Three considerable works have been erected. These cannon have been with great expedition mounted on carriages and placed upon the platforms, and the town of Newport is now capable of being defended against all the frigates in the British navy. Fortifications are also making at Bristol Ferry, and on the east side of Rhode Island, which, when completed, will effectually secure a communication with the continent, and enable us to defend that most valuable island. We were happy in the idea of having put a total stop to supplying the enemy, of destroying the very seeds of disaffection in the Colony, and of being a united people. We looked upon saving the town of Newport, the commanding the harbor, in which, from its easiness of access, vessels from sea may find a quick protection under the cannon of the forts, and which will, at all times, afford a safe asylum to the Continental ships and to privateers and their prizes, as well as to other vessels, and which, by means of the works now erected, may pass in and out in spite of all the British fleet, as objects of very great importance to the common cause. But our pleasing prospects are greatly interrupted by the order to deliver twenty of these cannon to Messrs. Hollingsworth and Richardson, to be transported to Philadelphia. From the face of it, which is directed to the Commodore, and in his absence, to Mr. Tillinghast, it appears clearly to us that your honors thought the cannon were barely landed here, and had no idea of their being fitted with carriages and planted in forts erected purposely for their reception.

We beg leave to refer you for a general state of the Colony, to the memorial from the Assembly, which is now before your honors, and is in no degree exaggerated, by which you will be able to judge of the exposed situation of the Colony, of its great exertions for the common, as well as our defence, and of the utter impossibility of our defending ourselves: to

which we would add, that there are now in the Colony, exclusive of those brought by the Commodore, but twenty-four pieces of heavy cannon, being twenty-four 18-pounders. The Assembly had contracted with the owners of Furnace Hope for sixty more, but the Commodore having brought twenty-six heavy cannon into the Colony, the Assembly consented that the cannon for the Continental ships should be first made, as the owners of the furnace could not possibly supply both departments in season, so that we have yet but four 18-pounders from them, nor can the others be made until a long time, unless a stop be put to those making for the ships.

We are informed by the Commodore, that he landed thirty-six heavy cannon at New London, which, from its situation, can be defended with one-quarter of the number required for the defence of the bay, town and harbor of Newport; and when the difference of the towns of Newport and New London in point of number of inhabitants, and value in point of importance to the United Colonies, and in the abilities of the two colonies, of which they are parts, to defend them, are considered, we think it will not admit of a doubt from which place the twenty cannon wanted will be removed.

We beg leave also to mention to your honors some of the probable consequences of depriving us of these cannon. All the disaffected, all the lukewarm, and all the timid, cry out that this Colony hath been totally neglected by Congress, while every other colony that is exposed, is defended by the Continental troops, which the most hearty in the common cause cannot deny. This, with the dangerous situation of the town of Newport, the capital of the Colony, containing upwards of thirteen hundred dwelling houses, and between nine and ten thousand souls, hath produced a very great division and was near overthrowing the administration, which had so greatly exerted the force of the Colony. The blow, however, was averted, and the most seasonable arrival of these cannon, with the decisive resolution of the town of Newport, hath given union, spirit and vigor to the Colony. Take them from us and we cannot answer for the event. The town of Newport and the island of Rhode Island are lost. A small part of that army now at Halifax may, in their way to the westward, effect their destruction, without being detained three days. It will be impossible for the inhabitants to defend themselves. They will not even attempt it. There is danger that those people who are so desirous of reconciliation with Great Britain upon any terms, will gain the ascendancy, and of the Colony being lost to America. Leave us the cannon, we can save Newport, which hath been induced in consequence of their arrival to take such steps as must bring upon them the British arms, and who will be most cruelly treated in being deprived of them. We can keep possession of

Rhode Island, which is of great consequence to the inhabitants and trade of Taunton and Swanzy rivers, and we shall be a united people, ready with our lives and fortunes to support the measures of Congress.

We submit this representation to your honors, which will be delivered to you by John Collins, Esq., the first assistant in this Colony, to whom we beg leave to refer you for further information, not in the least doubting that upon full inquiry and deliberation, your honors will consent that the cannon remain here, until we can be otherwise supplied.

Signed by order and in behalf of such members of the General Assembly as could be conveniently convened.

By HENRY WARD, SECRETARY.

PROVIDENCE, May 20, 1776.

The order here referred to for the removal of these cannon, was undoubtedly the resolution passed by Congress on the 7th of May, 1776, "that twenty of the heaviest cannon taken by Commodore Hopkins at New Providence, and brought from thence to New London and since carried to Newport, be brought to the city of Philadelphia, * * for the defence and protection of said city." This memorial was read in Congress on the 29th of May, and on the following day Congress ordered six of the cannon at Newport, and fourteen of those at New London to be sent to Philadelphia.

The following letter from the delegates is inserted, as containing some interesting particulars:—

PHILADELPHIA, June 8, 1776.

SIR:—The correspondence between the Colony and its delegates, which by the death of Mr. Ward, and the great inconvenience which attends Mr. Hopkins in writing, hath for some time past been interrupted, we wish might be resumed.

Mr. Hopkins gave the earliest notice, by express, that our brigade was put under the Continental establishment; and John Collins, Esq., informed the Assembly of the determination of Congress respecting the cannon which were landed at Newport by the Commander-in-Chief of the Continental navy. Since that, the Congress have ordered six thousand of the militia to reinforce the army in Canada, and keep up a communication with that province.

Massachusetts is requested to furnish of their militia for that purpose, four battalions, - - - - -	3,000
Connecticut, two battalions, - - - - -	1,500
New Hampshire, one battalion, - - - - -	750
New York, one battalion, - - - - -	750

To reinforce the army at New York, there are ordered of the militia, - - - - - 13,800

Massachusetts is requested to furnish thereof, - - - - -	2,000
Connecticut, - - - - -	5,500
New York, - - - - -	3,000
New Jersey, - - - - -	3,300

A flying camp is ordered to be formed, to consist of ten thousand militia, and to be furnished as follows :

Pennsylvania, - - - - -	6,000
Maryland, - - - - -	3,400
Delaware government, - - - - -	600

The Congress have empowered General Washington to employ in Canada, Indians, - - - - - 2,000

John Hopkins and Samuel Tompkins are appointed to the command of **the** two ships built in Providence, but which of the ships they are respectively to command, is not yet determined, when it is we shall give you notice thereof, as well as of every thing of importance which passes the Congress. Please to desire the committee appointed to build the ships in Providence, to transmit to the marine committee of Congress the names of **the** lieutenants and other officers they have appointed, in order that they may receive their commissions.

By letters from Canada to Congress, it appears that our affairs there are in a bad situation. General Arnold, in a letter of the 27th of May last, informs that five hundred of our troops were taken prisoners, at a place above Montreal, called the Cedars, by fifty regulars, three hundred Canadian and two hundred and fifty Indians. We lost only ten privates and not one officer. General Arnold writes that as soon as he had intelligence of this defeat, he collected a body of men and determined to attack the enemy, but he could not get his battery ready early enough for his purpose; and that he had agreed with the commander of the enemy's forces, to an exchange of prisoners, officer for officer, and man for man. Foster, who commanded a part of the enemy, when he became acquainted with Arnold's design to attack him, told him with seeming concern, that if he did attack him his Indians would immediately destroy every prisoner, that it would be out of his power to prevent it, &c., &c. This did not check General Arnold, but it seems that his batteaux not being able to get to him

seasonably, put a stop to his design. We are at loss how to account for this capture of our men, by a body but little superior to them in numbers ; in our detachment were Major Sherburne and another major, and nine or ten captains.

Two privateers fitted out from this place, have taken three valuable ships bound to England from Jamaica. One of the privateers hath arrived at Egg harbor, and sent to this city by land, \$24,800 ; the other privateer with the prizes was bound to Bedford.

We are, with great respect,

Your honors most obedient, humble servants,

STEPHEN HOPKINS,
WILLIAM ELLERY.

To GOVERNOR COOKE, Rhode Island.

John B. Hopkins, son of Esek Hopkins, Commander-in-chief of the Navy of the United States, was commissioned captain of the Warren, the larger of these ships, having thirty-two guns, and Samuel Tompkins captain of the ship Providence, of twenty-eight guns ; but Tompkins was soon superseded by Abraham Whipple. Benjamin Tallman was master builder of the Warren, which was launched on the 14th of May, 1776, and Sylvester Bowers, master builder of the Providence, launched May 24. They were not ready for sea until late in October.

The repulse at "The Cedars," terminated the attempt to conquer Canada. A detachment that was captured while on their march to reinforce Major Butterworth at the Cedars, were principally, if not entirely, Rhode Island troops, under Major Henry Sherburne. This detachment numbered about one hundred men. Major Sherburne, after his exchange, continued in the army until the restoration of peace, having received the appointment of colonel. He was employed by the State after peace to settle the accounts between this State and the United States, and was General Treasurer of the State from 1792 to 1818.

The delegates appointed by this Colony in May, united

with the delegates of the other colonies in the Declaration of Independence. The importance of this measure induced Gov. Cooke to call a special session of the General Assembly, to convene on Thursday, July 18th. The first business done was the passing of the following resolution:—

This Assembly, taking into the most serious consideration the resolutions of the most Honorable the Continental Congress of the United States of America, of the 4th instant, declaring the said States free and independent States, do approve the said resolution; and do most solemnly engage that we will support the said General Congress with our lives and fortunes.

They then directed the Declaration of Independence, and their resolution approving the same, to be published the following day in Newport, in presence of the Assembly. They were publicly read from the balcony of the State House, by Capt. Charles Handy, who, on the fiftieth anniversary of Independence, read the same documents from the same place. They were also directed to be published in Providence on the 25th of July, in such manner as the Deputy Governor should appoint, and also to be read at the usual town meetings in August.

The Declaration of Independence was, at the March session of the General Assembly, entered on the public records of the State, pursuant to the recommendation of Congress, in a resolution passed on the 18th of January, 1777.

GOV. COOKE TO S. HOPKINS AND W. ELLERY.

PROVIDENCE, August 13th, 1776.

GENTLEMEN:—Your favor of the 27th of July is now before me, and in answer thereto would observe, that I have not as yet been able to procure a list of the vacancies in the brigade, but will endeavor to send it you by the next post. The field officers for the first regiment are: William Richmond, colonel, Joseph Hoxsie, lieutenant-colonel, and Caleb Gardner, major; for the second regiment: Christopher Lippitt, colonel, Adam Comstock, lieutenant-colonel, the office of major vacant, Christopher Olney being appointed, but declined serving. I make no doubt but that you will

endeavor, as soon as possible, to procure the appointment of a brigadier-general; as also a resolve of Congress in favor of the inoculation of the soldiers in the brigade.

I enclose you the Act of the General Assembly regulating inoculation throughout the Colony. A hospital for that purpose is established in this town, under the direction of Dr. Barnard, of the Jerseys; the first class, consisting of about one hundred, entered yesterday.

Since my last, two very valuable prize ships have arrived here, taken by the sloop Diamond, Captain William Chace, laden with sugar, coffee, cotton, &c., as also, a bark laden with gum and sugar, taken by the sloop Montgomery, Captain Daniel Bucklin. Captain Harris, arrived at Newport, informs that last Thursday he saw one hundred and three sail of ships S. E. by S. from Nantucket Shoals, fifteen leagues distant, standing W. N. W., seventeen of which appeared to be men of war, supposed to be fleet with the foreign troops bound to New York.

I am, with great respect,

Gentlemen, your most obedient, humble servant,

NICHOLAS COOKE.

Honorable S. HOPKINS and W. ELLERY, Esqs.

GOVERNOR COOKE TO S. HOPKINS AND W. ELLERY.

PROVIDENCE, August 27, 1776.

GENTLEMEN:—Some difficulties respecting the brigade, have prevented the General Assembly from recommending suitable persons for field officers to Congress, and appointing the other officers, until the last session. They recommended the following gentlemen: for the first regiment, William Richmond, colonel, Caleb Gardner, lieutenant-colonel, Benjamin Tallman, major; for the second regiment: Christopher Lippitt, colonel, Adam Comstock, lieutenant-colonel, James Tew, major.

The Assembly have ordered the brigade to be paid to the first of September, and requested me to write to you, to use your endeavors to procure as soon as may be, the appointment of a paymaster to the brigade, which you will accordingly do.

By the next post shall transmit an account of the affairs of the brigade, together with a list of the prisoners in this State.

In the meantime, I am, with great esteem,

Gentlemen, your most obedient and humble servant,

NICHOLAS COOKE.

Hon. S. HOPKINS and W. ELLERY, Esq.

The officers recommended by the General Assembly were confirmed by Congress on the 7th of September, 1776. On the same day Congress ordered the battalion commanded by Colonel Lippitt, to march to New York, unless the other battalion had already started for that place. They had, on September 3, ordered one of them without specifying which, to march to New York, and recommended to the Assembly of Massachusetts to send a battalion of their militia to Rhode Island in its place.

LETTER FROM MR. ELLERY.

PHILADELPHIA, Sept. 7, 1776.

SIR:—As Mr. Hopkins expects that the post will get to Providence before him, he hath left with me the second and third of exchange drawn by Andrew Caldwell, Treasurer, upon I. Philip Moon, A. Mercer, I. Donaldson, and Mr. Erskin, Esq., owners of the privateers Congress and Chance, New England, in favor of you and others, a committee for building the two frigates at Providence, for thirty-seven thousand five hundred Continental dollars, value received of Stephen Hopkins, Esq., and hath requested me to transmit to you one of the bills by the post, and to keep the other. Agreeably to his request, I now enclose you the second of exchange, the first bill he hath with him, and wish it may go safe.

Mr. Hopkins tells me, that he doth not propose to return to Congress until spring, if ever. It is therefore necessary that an additional delegate should be immediately appointed; for otherwise, the State of Rhode Island, &c., may be unrepresented, which might be attended with pernicious consequences to us. I may fall sick, and may not be able to attend Congress when some matter may be brought upon the carpet which will immediately relate to our State, not to mention that if the delegates were here, they might have an opportunity to relax now and then from that constant attention which, if one delegate only should be continued here, he would be obliged to give, unless he should leave the State unrepresented in Congress, which I am determined not to do let what will be the consequence; and a constant attendance on Congress for nine months without any relaxation is too much even for a robust constitution. Besides it is necessary that motions should be made and supported, in which case the advantage of having two on the same side is manifest. In causes of no great importance it is common to engage two lawyers, and the vulgar observation that two heads are better than one, is just. Can, then, the State of Rhode Island

hesitate about immediately appointing an additional delegate. I am sure it cannot. I should be exceedingly glad that Governor Hopkins might return, for he is well acquainted with the mode of conducting business, and is well esteemed in Congress, and I have reason to think from what hath passed that we should act in concert and in harmony; but if he should conclude not to return it would be best that two should be immediately appointed, for matters of great consequence will be on the carpet; in the multitude of council is safety; and in that case the delegates might alternately visit home, brace up their relaxed minds and bodies by a journey and by enjoying their native air, and thereby be better able to discharge the duties of their office.

There is nothing against our State's appointing three delegates but the expenses, and if the amount of the allowance to the two delegates and their expenses for one year be summed up, and compared with what would be the amount of the expense to the State of three delegates, at five dollars per day, I believe the difference will be found to be but trifling, but if it should be something considerable, I am sure the benefits resulting to the State therefrom would compensate for any such additional expense. If a confederacy should hereafter take place, "a Council of State" would doubtless be appointed, in which case our State would have only one delegate to support constantly; the other two, if three should be appointed, would be present only a small part of the year, when the Congress should sit.

Mr. Hopkins will acquaint you with the news, and the state of our armies, &c., &c., so that I hope I shall be excused in not saying anything on those subjects. The same reason will excuse my not writing to the Assembly by this post. I wrote a letter to send by the last post, but unluckily the post had set out before my letter reached the office. Congress have ordered one of our battalions to New York, and its place to be supplied with a battalion of militia from Massachusetts. It was moved at first that both the battalions should be ordered thither. I opposed the motion to the best of my abilities, and think we have come off pretty well. I expect that if our affairs at New York should take an ill turn, that the other battalion will be ordered from our State, for it is the sentiment of Congress that the Continental battalions should be drawn together, for that greater reliance is to be placed in them than a militia, unaccustomed to discipline and the hardships of a camp,—and, indeed, the liberties of the country, in my opinion, cannot be established but by a large standing army. Heartily wishing success to our cause and to you, sir, and your family, health and prosperity, I continue to be,

With great respect, yours,

W. ELLERY.

The direction of this letter is missing. There can be little doubt that it was directed to Governor Cooke, as the original is found in the office of the Secretary of State.

Mr. Hopkins left Philadelphia soon after the date of this letter. His name does not afterwards appear in the journals of Congress. It is not improbable that the vote of censure passed by Congress in August, on the official conduct of his brother, Commodore Esek Hopkins, may have hastened his departure, and perhaps the subsequent action of Congress against the Commodore, may have induced him not to return. Sectional feelings sometimes prevailed even in those days in Congress.

WILLIAM ELLERY TO GOVERNOR COOKE.

PHILADELPHIA, Sept. 14th, 1776.

SIR:—Agreeably to the resolution of the State of Rhode Island, &c., my colleague and I made application to Congress, and received an order on the Treasury for one hundred twenty thousand dollars, partly to procure, &c., a monument for the late Honorable Samuel Ward, Esq., and partly for my own use; for the whole of which I promise to be responsible to said State. I should not have taken any of the money to my own use, could I have been supplied from home without risk; but as the chance of a loss may soon be great, and indeed the communication by the North river may be intercepted, and it will make no great difference to the State whether two hundred dollars are advanced to one of their delegates or not, I hope my conduct in this instance will not be blamed.

By a resolve of Congress, there is ordered a paymaster for each battalion in the Continental service. I know not whom to recommend as paymaster to the battalion ordered to New York: nor do I know whom to recommend as surgeon to it. I shall recommend a paymaster and surgeon for the battalion that shall remain at Newport, when it shall be known which of the battalions hath marched to New York. At present it is to me uncertain; for the President first required the commanding officer to order one of the battalions to New York; and afterwards, when it was known that the field officers were not commissioned, they were ordered by Congress to be commissioned, agreeable to the recommendation of the Assembly, and the second, Colonel Lippitt's battalion, is ordered to march to New York provided the first should not have marched before the arrival of the last direction of Congress.

I should be glad to know when the battalions and artillery company raised in our Colony were enlisted, and for what time, and what the whole number of our militia was before the war commenced, and also the number of white, black, and Indian inhabitants of our State. I hope the General Assembly will not neglect to appoint an additional delegate at their first session after the receipt of this. The reasons for such an appointment I suggested in a private letter to your honor, and have not time now to mention them. Indeed, so many, so obvious and so cogent are they, that they will readily offer themselves to every member and induce them to come into this necessary measure. I could wish that a certain sum by the day might be speedily fixed upon for the delegates of our State, for it is very troublesome and disagreeable to keep an account of every expense which accrues, and a lumping account, I imagine, would not be satisfactory to the Assembly.

A considerable number of the enemy have landed at Montrozer's Island, which lies at the mouth of the Harlem river, and it is supposed that they mean to land at Harlem or Maurisania, or both.

Captain — Weeks, in a Continental armed ship, hath arrived here from Martinico, and imported two tons of powder, and four hundred and fifty small arms, and some coarse goods.

The Northern army is so respectable that we are not afraid of irruption into our States by the lakes, and I hope we shall be able to maintain our posts at and near New York, if General Washington should think proper to keep any troops in that city.

I heartily congratulate our State upon the success of our privateers, and wishing that I may have the pleasure of congratulating them very soon upon a victory over our haughty, implacable enemies. I continue to be, with great respect,

Your honor's most obedient, humble servant,

W. ELLERY.

The General Assembly, at their special session, July 18, appointed a committee to wait on Congress with a draft in behalf of the State for \$12,000, on account of moneys due for the expense of the brigade, which had been raised and taken into Continental pay.

One can in some degree imagine the amount of business which at this time must have engaged the time and attention of Congress, when the appointment either of a paymaster

or a surgeon of a battalion could not be made except by that body. Nor even then until after the qualification of the applicant had been satisfactorily shown, to one at least of the members.

In June, 1776, the Assembly ordered a census of the inhabitants to be taken, in pursuance of the recommendation of Congress. From a report made of the division of the salt in the Colony among the towns according to their population, as ascertained by the census in June, the whole number of inhabitants in the State was 54,715.

WILLIAM ELLERY TO GOVERNOR COOKE.

PHILADELPHIA, Sept. 21st, 1776.

SIR:—Congress have ordered a new army to be raised, to consist of eighty-eight battalions, each State to furnish as follows: New Hampshire, three; Massachusetts, fifteen; Rhode Island, &c., two; Connecticut, twelve; Lower Counties, one; Maryland, eight; Virginia, fifteen; North Carolina, nine; South Carolina, six; and Georgia, one, to serve during the war; and to encourage a speedy enlistment have ordered a bounty of twenty dollars for each soldier that shall enlist, and a grant of land, &c., &c. The resolve of Congress respecting the new army, and the new articles of war, will be transmitted to you; but, as it is possible, they may not reach you so soon as a letter by the post, I have, therefore, been more particular than I should otherwise have been.

The State of Massachusetts Bay have ordered every fifth man to march to reinforce the army near New York, from all their towns except those which from their situation are exposed to the enemy, and from which the battalion is to be composed that is to supply the place of the Continental battalion ordered from Newport to New York.

I wish they may arrive at camp before a decisive battle is fought. You have heard, without doubt, of a skirmish between a party of our troops and a party of the enemy, and that our troops drove them repeatedly from their ground and forced them to retreat. It was the intention of General Washington to have served the enemy as they did us at Long Island. He ordered a party to attack them in front, while another party should march round and attack them in the rear; but it so happened that they attacked them in flank. However, our men behaved like heroes, killed about twenty or thirty, and wounded three times that number, according to an account given by a deserter.

Our loss would have been trifling if we had not lost Colonel Knowlton, of Connecticut, who was a brave officer. We had but a few men killed, and a few slightly wounded.

Although the action, in itself considered, is but of little moment, yet considering the spirit it hath infused into our army, it may be attended with the most happy consequences.

The enemy have moved eight large ships up the North river against our encampment, and are moving some heavy cannon towards it, so that General Washington expects soon to be cannonaded in front and flank. He is determined to keep his post so long as he can with prudence.

We have had nothing lately from the Northern army; when we have I will communicate it, if it can be done with honor. I would wish to know whether any of the hemp purchased for the Continental ships in Providence hath been applied to making rigging for privateers, and whether any number of soldiers have quitted the battalions in our State and been received on board the privateers.

Such a story hath been told to many members of Congress, and hath been thrown in my path. I should be extremely sorry if any of the hemp so purchased hath been misapplied, and that any of our merchants should have connived at the soldiery enlisting on board their privateers; for, to say nothing of the injustice of such conduct, it might be exceedingly injurious to our little State. I can't believe that there is any truth in this story, but should be glad to have authority to say that it is false.

I take the liberty to inclose two letters directed to Governor Hopkins, which came by the last post, which please to send to him. I should not have taken the freedom, but I have not time to write him. I am, with great respect,

Your Honor's most obedient, humble servant,

WILLIAM ELLERY.

WILLIAM ELLERY TO GOVERNOR COOKE.

PHILADELPHIA, Oct. 5th, 1776.

SIR:—I received a letter from Mr. Ward, of the 17th of September, which informed me that your honor and your lady were inoculated, and were expected to break out in a day or two. I most sincerely hope that when this reaches you you will be entirely recovered from the small pox.

Since my last, Congress have entered into sundry resolves which respect the several United States, and which will be communicated to you so soon as the multiplicity of business in which the President is engaged will admit of it; but as they may not reach our State so soon as the post, it may not be improper to give you the heads of them.

It is recommended to the legislatures of the United States to appoint gentlemen in their respective States, skillful in physic and surgery, to examine those who offer to serve as surgeons or surgeons' mates in the army and navy, and that no surgeon or surgeons' mates shall hereafter receive a commission or warrant to act as such in the army or navy, who shall not produce a certificate from some or one of the examiners so to be appointed, to prove that he is qualified to execute the office.

A loan office is to be established in each of the United States, and a commissioner to superintend such offices, to be appointed by the States respectively. The sum proposed to be hired is five millions of Continental dollars, and the commission are to receive one eighth per cent. in lieu of all demands for their services. Certificates with the resolve will be transmitted to our State when the certificates are printed.

It is resolved that the President be desired to write letters to the conventions and assemblies of the respective States, requesting that measures be taken to cause, as speedily as possible, a full representation of the States in Congress. I would beg leave here just to mention, in addition to what I have said in a former letter, that there is not a State that sends less than three delegates to represent it in Congress.

Congress, too, have recommended it to the several legislatures in the United States to confine the price of such articles as the Quartermaster General may want to a reasonable sum, by an act of the legislature.

The committee who were appointed to inspect the state of the army, etc., at Harlem, have returned, and represented things in a more favorable light than we had used to view them. Methods are taking that the army shall be better disciplined and provided in every respect than it hath been. Although we have some good officers in some of the principal departments, yet in others there is great want of skill and abilities. The Quartermaster General, Moylá, was persuaded by the committee to resign, and Brigadier General Mifflin to accept that office, with the rank and pay of Brigadier General. This appointment will give great satisfaction to the army, for General Mifflin is not only well acquainted with the business of the office, but he hath spirit and activity to execute it in a proper manner.

The officers of the army in general are not equal to their appointments, and from hence it is that our soldiery is disorderly and undisciplined. It is therefore recommended by Congress to the several States in officering the new army, that they pay particular regard to merit and qualifications in their appointments. It is agreed on all hands that our men will make good soldiers when they have good officers. I hope the General Assembly will be as ready and active in raising the new levies as they were in dispatching the Continental battalions to New York. The time for raising the

new levies is short, and it is of the last importance that they should be ready to supply the places of the troops that may quit the service when the time of their enlistments shall expire. The enemy, if they should have such an opportunity as they had last fall will, without doubt, improve it.

By letters from General Washington, received yesterday, things at our camp in Harlem remained as they were ; and by some enclosed letters from Henry B. Livingstone, captain of a company which has been employed on Long Island to bring off the inhabitants and stock, it appeared that he brought off a number of families and a considerable quantity of stock and grain. That the enemy were collecting all the stock and grain they could, and levying companies there ; in which business Brigadier General Oliver De Lancey is very active. Captain Livingstone having heard that one Richard Miller, a tory of distinction, had raised a company of men, and that he was about to join them, posted his men so advantageously for intercepting him that they came across him and ordered him to stop, which he refusing and attempting to escape, they shot him dead on the spot.

Letters were also received the same day from the Northern army, from Generals Schuyler, and Gates, and Arnold, some of them enclosing accounts from deserters respecting the enemy's army and navy. By one of the accounts it appears that their army was sickly ; that they had plundered and otherwise abused the Canadians, so that but few had joined them, and that fifty of the British troops had agreed to desert, but were unluckily discovered. From what I am able to collect, the enemy's naval force is equal, if not superior to ours : but their land force is not superior, if equal. General Arnold was at the island LeMothe when he wrote, and intended to place his fleet advantageously for attack and retreat. Our army was still sickly, and in want of clothing, especially of shoes and stockings.

Congress have sent a committee to Ticonderoga to inspect the state of the army, etc., etc. When they return I will communicate such part of their report as I may be at liberty to disclose.

We have nothing new from the southward. The papers have already informed that we have burned a number of the lower towns of the Indians, and an expedition is formed for destroying their upper towns. General Lee is not arrived. General Greene, to the joy of the army, hath recovered his health. I have nothing more to add at present, but that I am, with the sincerest regard,

Your Honor's and the State's friend and humble servant,

WILLIAM ELLERY.

The resolutions of Congress relative to the establishing of loan offices in several States were forwarded by the Presi-

dent of Congress to Governor Cooke, by letters dated October 9, 1776. It was proposed by this measure to borrow five million Continental dollars for the use of the United States, on what were afterward known as loan office certificates, at the rate of four per cent. per annum interest. A commissioner to superintend the loan office in each State was to be appointed by the State, and to receive loans and deliver to the persons making the same, certificates signed by the Treasurer of the United States, and countersigned by the commissioner. Loans were to be repaid within five years, and interest annually, at the office where the loans had been made. The General Assembly, at the October session of the same year, appointed Joseph Clarke, Commissioner of the loan office for this State.

It seems that the attendance of delegates was not so general as the dispatch of business required. Each State elected as many delegates as it pleased, and prescribed what number of those elected should be empowered to act in the name of the State. Each State had one vote, and the concurrence of seven States was necessary for the adoption of any resolution. Each State too, paid its own delegates. Under these circumstances, no State would be desirous of having more than a quorum of its delegates present in Congress drawing pay, and unless other States were more liberal than this, few delegates would remain longer in Congress than was absolutely necessary.

Governor Hopkins, it seems from the proceedings of the October session of the Assembly, was then at home. The Assembly gave him a vote of thanks "for his good services," and requested him "to attend the business in Congress as soon as he could conveniently leave his family." After passing this vote they elected another delegate to Congress, the Honorable William Bradford, then Deputy Governor of the State, by the concurrent vote of both houses of the Assem-

bly, and not in grand committee. No limit of time was named in the vote of his appointment, nor were any special instructions given him. His name does not appear in the journals of Congress, so that probably he never took his seat. At the February session, 1777, Henry Marchant, of Newport, was elected a delegate to Congress by the General Assembly, in grand committee. After this, until May following, this State had four delegates, but it does not appear that more than two were present in Congress at any one time, and for a part of the time there was only one. At the second session in March, was passed the first general law regulating the election of delegates to Congress. That, provided, that they should be elected by the freemen of the State, at their town meetings on the third Wednesday in April, annually, as the Governor and other general officers of the State. The number was not specified.

Congress, as well as the State legislatures, adopted many stringent measures to prevent the depreciation of bills of credit. The most plausible was the attempt to fix the prices of various articles as well as labor. Such expedients afforded temporary relief, but it was in vain to expect to sustain a stable superstructure without a stable foundation.

WILLIAM ELLERY TO GOVERNOR COOKE.

PHILADELPHIA, Oct. 11th, 1776.

SIR:—The President of Congress hath sent you by express, all the resolves which have passed since my last, which he had in charge to communicate to you. You will receive by this post a letter from the committee to procure clothing for the army, inclosing the resolves of Congress on that subject. I hope the General Assembly will take effectual care that our quota of the new levies shall be in the field in season, well equipped at all points, and well officered; and that suitable persons in each county be appointed to collect clothing immediately, agreeable to the request of the aforesaid committee.

A naval expedition is on foot, which, if carried into execution, will be very advantageous to the United States, and to the officers and seamen in

the navy. If the Cabot should not be in port the marine committee have ordered that one of the frigates should be employed in it. Commodore Hopkins, in a letter to that committee, hath informed them that one of the frigates could soon be got ready, and intimated that he could man her with draughts from our troops. I hope that the General Assembly will countenance this measure, and give every other assistance in their power to forward the sailing of the fleet.

On the 6th instant, General Lee arrived here, and on the 8th sat out for the camp on the heights of Harlem. He brings the good news that the Carolinians had utterly defeated the Cherokee tribe of Indians, had burnt their towns, killed two hundred and fifty of their warriors, got seventy-five scalps, and that the remainder of that tribe had fled to the Mississippi. The expedition, the sickness of the troops, and the strong garrison at Augustine, had prevented an attempt upon East Florida; that the garrison at Augustine consisted of eighteen hundred German and one thousand British troops; that the Sphinx and Raven were at Georgia, and that the governor of that State had ordered all the stock on the islands on that coast to be moved off, to prevent its falling into the hands of the enemy. The Scorpion, Falcon, and Cruiser are at Cape Fear.

The committee have not returned from Ticonderoga. By the last accounts from thence, they expected to be attacked very soon, and were preparing to give the enemy a proper reception. I saw General Mifflin lately, and he informed me that in the fight the day after the enemy took possession of New York, by the best accounts he could get, and from the appearance of the field of battle, they lost between four and five hundred killed and wounded, and that we lost about one hundred killed and wounded. In the first part of this account David Hopkins, son of the minister in Newport, who saw the fight, agrees with the General, but says that he saw our killed and wounded, and that they were much short of that number. They both too, agree that some of our men who had behaved shamefully the day before, fought gallantly then, and that with equal numbers we drove the enemy from the field. I believe they think the Americans will fight, notwithstanding we have retreated and retreated. General Washington, as I am told, played off a pretty manœuvre the other day. Determined to remove the grain and the furniture of the houses from Harlem, he drew out into the field a party of seventeen hundred. The enemy turned out as many. They approached within three hundred yards and looked at each other. While they were thus opposed, front to front, our wagons carried off the grain and furniture, when this was accomplished both parties retired within their lines. It is said that our men preserved very good faces. It would be of use to draw out our men in battle array frequently, to let them look the enemy in the face, and have frequent skirmishes with them.

General Washington, in a letter of the 8th instant, informed Congress that two 40-gun and one 20-gun ships, with some tenders, had passed the chevaux-de-frise and fort Washington without interruption or damage, and were between the latter and fort Constitution. How the chevaux-de-frise came to be insufficient I know not; but I am afraid that the enemy's ships will cut off the communication by the North river.

Thus, sir, I have given you all the news I can recollect, with a few observations. I wish I had more, I mean good news, to communicate, for it would give me great pleasure to gratify the Assembly. Whenever I shall receive any intelligence that is well authenticated, and I can be at liberty to transmit it, you may depend upon having it. I continue to be, with great respect,

Your Honor's and the State's sincere friend and humble servant,

WILLIAM ELLERY

WILLIAM ELLERY TO GOVERNOR COOKE.

PHILADELPHIA, Oct. 26th, 1776.

SIR:—Since my last, Congress have received the disagreeable intelligence of the destruction of our fleet on Lake Champlain. The enemy were vastly superior to us in the number and size of their armed vessels, and in the number of men and weight of metal. General Arnold was obliged to give way to superior force; but he did not do it until several of his gondolas were sunk, his schooner forced on shore, and the remainder of his fleet were so shattered that it was impossible for him to fight any longer: in this situation he ran the Congress ashore, and lest she should fall into the hands of the enemy, burnt her; and with about two hundred men he had collected, got safe to Crown Point.

Congress have appointed a "Committee of Intelligence," to select and publish such intelligence as Congress shall receive from time to time, and it shall be proper to publish. That committee have, in this week's papers, published an account of the sea fight on the lake, but omitted some particulars which I have mentioned. They have also given the public such intelligence as hath been received from the army in the middle department. I enclosed a newspaper which contained those accounts, in a letter to my brother Christopher, which went by express yesterday morning, and desired him to convey the paper to your honor immediately upon his receiving it. By the same express you will receive a letter from the committee of clothing, enclosing a resolve of Congress respecting the blankets and coarse goods taken and imported into our State in a prize store ship bound to Quebec. It is not meant that this resolve should supercede the resolve lately sent to your honor by the same committee. With all the clothing

that can be collected in the several States, and imported, we shall not, I am afraid, have more than sufficient to clothe our armies. Hang well and pay well, is a good military maxim. In paying well, I presume, clothing and food is involved, otherwise they ought to be subjoined. The former, Congress attended to in their last articles of war, and I hope their resolutions respecting the latter will be carried into execution, by those to whom the execution thereof hath been committed.

I should have wrote to your honor by the express to the State of Massachusetts, but had not time, and I chose to wait until the post should arrive, hoping to get something new to communicate. There hath been no post this week. By private accounts it seems that the enemy are intrenching at New Rochell, and that General Washington, determined not to be outflanked, hath extended his army from Kingsbridge to White Plains. I expect to hear by the first express from the Northern army, that there hath been a battle. From the army in the middle department, I expect to hear of nothing but skirmishes, unless Burgoyne should penetrate through our Northern army and form a junction with Howe, which, considering the strong posts, and the number of that army, I cannot imagine, for General Washington and Howe move with great caution, and will not come to a general battle unless one or the other can gain some great advantage of ground, or outflank, or play off some capital manœuvre.

I could wish to have it in my power through your honor, to give the State an early account of every material article of intelligence, but as the arrival of the post is uncertain, and he goes out very soon after he comes in, I am obliged frequently to close my letters before he arrives or lose the opportunity of writing by him. At this critical period, when we have so much at stake, every friend to his country is anxious to know every thing that takes place. Sensible of this Congress, as I have already mentioned, have appointed a committee of intelligence, whose publications may be relied on: and if the accounts which Congress receives from the armies are particular, the public will be gratified so soon as posts can convey the newspapers to the different States.

I hope the General Assembly have, or will, soon appoint an additional delegate. Congress is so very thin that I am obliged to observe a constant, wearisome punctuality in attendance. I do, therefore, as well as on account of the late recommendation to the States of a full representation, earnestly desire that the other delegates may be here as soon as possible.

It is long since I have received any letter from the government; and I have received no information at all respecting several matters about which I requested it. I should be glad to know whether the militia from the Massachusetts have arrived in our State; whether the militia of our

State is yet mustered and equipped that was to supply the place of Colonel Richmond's battalion, and whether that battalion hath marched to join the army under General Washington. I imagine, from some advertisements I have seen in the *Newport Mercury*, that it is still in Newport. If it should not have marched, I hope it will remain there until Congress or General Washington shall have given orders for its removal: and that our militia may be equipped and hold themselves in readiness to march to any part of our own State, or of the neighboring States that may be attacked.

I vehemently suspect that the commodiousness of our bay, the stock on Rhode Island and along our coast will allure, and the imitation which the great success of our privateers must have excited in the breasts of our enemies, will urge them to pay us a visit. This is my private humble opinion. It is prudent to be always on our guard and prepared for the worst. The wisdom of the General Assembly and council of safety will suggest to them the best measures to be pursued for our security, and their spirit and activity will urge the pursuit and execution thereof.

Heartily wishing the happiness and prosperity of the State I have the honor to represent, that of the United States of America, and that of your honor, I continue to be, with great respect,

Your Honor's most obedient, humble servant,

WILLIAM ELLERY.

P. S.—Since I wrote the foregoing, the President read in Congress a letter from General Mifflin to a gentleman in this town, dated at Fort Washington, October 23d, in which he says, if my memory serves me, that by two deserters from the enemy's York lines, it appeared that in the engagement of last Friday week, we killed and wounded eight hundred of the enemy; that we had only fifteen hundred of our men engaged, and only three thousand in that quarter, while the enemy's whole force at and near the spot was eight thousand; that last Monday some of our troops came across Major Rogers, with a party of Long Island militia rangers, killed a number of them, and took thirty-six prisoners, sixty odd fine muskets and a number of blankets; that two of our battalions ambushed a body of Hessians and drove them. General Mifflin saw our troops discharge three vollies at them, which doubtless did execution; after which the armies annoyed each other with a cannonade, in which a ball from one of our cannon killed the sentry who stood at the door of General Howe's tent, entered it and shattered one of his (General Howe's) legs, so that his life was despaired of.

This account, the General says, was brought by a deserter, who said that he heard his captain relate it. That Colonel Livingstone, with two regiments, had gone from Fairfield to the east end of Long Island, and

that the enemy had just sent thither two battalions to oppose them, and that he heard that Livingston had taken and sent over to Connecticut some of the enemy's cattle. That the main body of the enemy was at New Rochelle; that our army outflanked them, and that if they moved so as to quit the cover of their shipping, a battle would probably ensue; that the events of war were uncertain, but that our troops were in good spirits, and he did not doubt that in case of a battle they could be successful. The President would not permit me to copy the letter, so that I may have made some mistakes, the substance I am confident is right.

W. E.

MR. ELLERY TO GOVERNOR COOKE.

PHILADELPHIA, Nov. 10th, 1776.

SIR:—Although nothing remarkable hath occurred since my last, yet, as it is my duty to write frequently, I take up my pen to avoid the imputation of neglect.

Our army in the middle department have moved four miles to some heights beyond White Plains. In a private letter, I am told that General Lee had written that the enemy had but two moves more to make before it would be checkmated, alluding to the game of chess. There have been several skirmishes within three weeks past, in all which we have been successful, excepting that of last Monday fortnight, and in that, although we lost the ground, yet the loss of the enemy was three times as great as ours. By the best accounts I can collect, we lost only about one hundred killed and wounded. I have conversed with a gentleman who was a spectator of the fight. He says that our men behaved with great firmness and spirit, that they frequently repulsed the enemy, who repeatedly reinforced their detachment from the main body, which was within a quarter of a mile of the place of action, and so compelled our men to retreat, which was done in good order and without the loss of their arms or field pieces. He further said that our musketry was more frequently discharged than theirs, but our field pieces not so often as those of the enemy. We have again routed Major Rogers, with his rebel band, and should have taken twenty of the enemy's light horse, if our men had not been too eager. A few more skirmishes, with a battle now and then, would learn our troops coolness, obedience, and discipline. I do not expect a general battle this campaign. The Generals seem to be determined not to put anything to a risk. If there should be, barring accidents, we shall be at the enemy. Our last accounts from the Northern army say, that Carleton was at Crown Point, and that if he should attack our troops, that we should repel him,

and at the worst confine him to the lakes. Our armies are well supplied with provisions, but they want clothing. I hope that your Honor, and the General Assembly, will expeditiously execute what hath been recommended, and requested of you and them by Congress respecting the article of clothing, and that care will be taken that our two battalions be raised and equipped in season. Congress have lately passed a resolve empowering General Washington to appoint officers, when any of the States had not commissions on the spot at the time that he should receive the resolve; the time for which a great part of the army enlisted being so near expiring as not to admit of any longer delay.

I should be very happy to receive a letter now and then from my constituents with the information I have and may request. I received a letter from your Honor, I imagine, by the contents, without a signature, and am glad to find that the report was, as I suspected, groundless and scandalous. An emulation among the respective States, who shall do most in the glorious cause in which we are engaged is highly commendable and would be beneficial; but if it should degenerate into jealousies, suspicions and calumny, it might be dangerous.

Your Honor will see in the late papers, an extract of a letter dated at Fort Lee, giving an account that six gentlemen who had escaped from the enemy's fleet, informed that seventy transports, with three thousand troops, were destined for our State. The newspaper doth not mention from what letter the extract was made; it was taken from a letter of Major General Greene. I don't think we are in any danger at present. Hereafter when their army shall go into winter quarters, the enemy may have men to spare for that purpose. It would be well, however, to be upon our guard, to let our apprehensions be known to the neighboring sister States, and to request them to stand prepared to assist us whenever we may be invaded. If an attack should be made on Rhode Island, I am afraid that some who have subscribed the test act would immediately discover that they did not think themselves bound by their subscriptions, and that those who have refused to subscribe, and have received indulgences would not, on that account, be less forward to join and assist the invaders. We ought to guard against our internal as well as external enemies, and if we can, put it out of their power to injure us. I hope I shall be pardoned for giving these hints, and I don't doubt it, when it is considered that I have been urged to it by a sacred regard to the State I have the honor to represent, and the United States of America.

I continue to be, with the sincerest respect, your Honor's and the republic of Rhode Island, etc.,

Friend and humble servant,

WILLIAM ELLERY.

P. S.—As I am obliged to write in haste, I hope blurs, blots and inaccuracies will be overlooked.

W. E.

WILLIAM ELLERY TO GOVERNOR COOKE.

PHILADELPHIA, Nov. 16th, 1776.

SIR :—I congratulate you on Carleton's retreat from Crown Point to Canada, and on General Howe's retiring towards York Island; of both which you will see a particular account in the newspapers. These events will, I hope, be attended with beneficial consequences to us. The retreat of the former will afford General Washington an opportunity to make a large draught from the Northern army to fill up the deficiencies which may be made by any of our troops quitting the service at the expiration of the time of their enlistments, or to be made use of as the service may require. Beside, as it is a manifest acknowledgement of our strength, it will doubtless give spirits to our troops, and may encourage them to re-enlist. By this express you will probably receive a resolve which Congress have been forced into by the additional bounty and pay which have been offered by some of the New England States, and the additional bounty which hath been offered in one of them. This measure is condemned by many members of Congress, and by our General. It will, they say, necessitate the other States to do the same, which will greatly enhance the continental debt and expense; or we must have an army doing the same services for different rewards, which would occasion jealousies, envyings and discord among the soldiers, to the great injury of the public service. As we have only offered an additional bounty, we are less culpable in the estimation of those who condemn the deviation from the original resolve, than any of the transgressors. It is now in the option of soldiers to enlist for three years without the grant of land, or during the war with it. This alternative, with the retiring of the enemy, will, I hope, answer the purpose.

Thursday last, a gentleman of credit in the Jersey, informed Congress by letter, that the preceding morning he saw about one hundred sail of ships standing out from the Hook to the southward, with the wind at north west. Yesterday he came to this city, and acquainted Congress that he saw the fleet bear away, after he had wrote, and sail eastward until they sunk below his horizon. That they were headed by two frigates, and their rear was guarded by a large ship. By a letter from General Greene, dated the 12th of this instant, at Fort Lee, which came to hand yesterday, we are informed that a gentleman who had escaped the day before from Staten Island, told him that there was a fleet of transports of about one hundred sail lying at the watering place on Long or Staten Island, bound

for England, and that his informant further said, that by a person who had lately come from New York to Staten Island, he was advised that ten thousand men, under the command of Lord Dunmore, were soon to embark for South Carolina. The first part of this intelligence so exactly tallies with the account of the Jersey gentleman that I believe that the fleet he saw was the same with that mentioned by General Greene's informant; and that it was bound to England; the latter part of the account seems to me improbable, because I can't conceive that they can spare so many men for a southern expedition, much less can I believe that so large a body would be put under the command of his lordship. Imagining that General * * * intended to cross the North river with his army, General Washington has sent a large reinforcement into the Jersey; but whether the enemy mean to go into winter quarters or to come this way, or what their design is, is unknown. General Washington cannot indulge the idea that Mr. Howe will finish the campaign without attempting to do something more than he hath done. The news we had of the sailing of the before-mentioned fleet to the southward, and some other intelligence, induced the opinion that the enemy intended to attempt the possession of this city: and thereupon the committee of safety published and distributed a handbill through town and country, requesting the inhabitants to arm and prepare themselves to defend the city. The account of the number of the fleet was exaggerated beyond the intelligence and beyond all credibility. What effect this inflated handbill had on the people I don't know, for the next morning they countermanded their request.

I see by the papers that the General Assembly had risen: but do not see that an additional delegate is appointed. I am afraid that this matter hath been postponed; if it hath been, give me leave, sir, to entreat that the next session an appointment may be made, and a salary fixed of a certain sum by the day. I also earnestly desire that I may have the information I sometime since requested. I should be glad to know what sum of paper money we have emitted; when the several emissions were made; for what periods, and what interest. The sooner I receive the much desired information the better. I continue to be, with the sincerest regard,

Your Honor's and my country's friend and humble servant,

WILLIAM ELLERY.

P. S.—Mr. W. Hooper, one of the delegates for North Carolina, frequently writes to his brother-in-law, Mr. Clarke, and may mention some news that I may not know or recollect.

PHILADELPHIA, Nov. 16th, 1776.

SIR:—I should be glad to be informed immediately whether two frigates can be built in Providence, to be launched about the same time, the next,

as the others were the last, spring ; and whether the same committee would undertake again to collect materials, and undertake the building of them.

I could wish to serve the State I belong to : but in order to do this your Honor is sensible that I ought to have every necessary information. I have thrown this upon a distinct piece of paper, because I did not think it would be proper in a letter to the State. Please to present my regards to Governor Hopkins and the Secretary, and believe me to be,

Yours sincerely and respectfully,

WILLIAM ELLERY.

GOVERNOR COOKE TO WILLIAM ELLERY.

PROVIDENCE, November 30th, 1776.

SIR:—Since I wrote you, I have been favored with your letters of the 5th, two of the 11th of October, and of the 10th and 16th instant. The three former I have laid before the General Assembly ; and shall lay the others before them at their sitting in Newport, on the second Monday in December.

Colonel Richmond's regiment was enlisted for a year. It consisted of twelve companies, exclusive of one artillery company, eight of which were enlisted in November last, and were discharged at New London upon the return from the Long Island expedition. The artillery company will be dismissed to-morrow, when the time of their enlistment expires. The other four companies were enlisted in January last, and are now upon duty at Newport. By having entered on board the navy and by desertion, their numbers are reduced to about one hundred.

Colonel Lippitt's regiment was enlisted in January last for a year, and is now part of the army under the command of General Washington.

When the two regiments were ordered from this State to New York, it was thought necessary, in addition to the Massachusetts regiment, to raise six men in every hundred of militia upon the alarm list, to be stationed at Rhode Island, which composed a regiment of about six hundred and ninety men, who were put under the command of Colonel John Cooke. The time for which they enlisted expires in ten or twelve days, and the Assembly have ordered a regiment to supply their place, to be raised in the same manner, who are to serve for three months. The Assembly, not attending to the time for which the artillery company was enlisted, made no provision for retaining them in the service. As it appeared to me to be a matter of importance to keep that company to defend the works upon Rhode Island, I have given orders to Major Elliott to engage the officers and men to continue in the service until the meeting of the Assembly,—the

officers upon the same pay and rations as heretofore, and the men upon the best terms he can. The Assembly having considered the field officers of Colonel Richmond's regiment as discharged put the remaining part of it under the command of Colonel Cooke.

The regiment from the Massachusetts Bay has been recalled, and quitted this State three weeks ago, so that the whole force with which we are to defend Rhode Island will consist of the above-mentioned regiment ordered to be raised, and the remains of Colonel Richmond's regiment. I must desire you to represent to Congress, in the strongest terms, the necessity of a greater force in this State, and our inability to raise and support it.

The Assembly, considering that the safety of the United Colonies depend in a great measure upon the establishing an army to serve during the war, resolved to give an additional bounty of twenty dollars to each able-bodied man who should enlist. Your letter of the 16th instant, mentioning that the measure was disagreeable to many members of the Congress, is so late that I imagine the resolve will so far have taken effect as to make the recalling of it impracticable.

The Assembly have appointed His Honor, the Deputy-Governor, and Messrs. Jonathan Arnold and William Bowen examiners of surgeons and surgeons' mates for the army and navy. They have also voted to establish a loan office in this State, pursuant to the resolve of Congress, and appointed Joseph Clark, Esq., the keeper, who is to give bond with securities in the sum of twenty thousand pounds, for the faithful discharge of his trust; and have passed an act punishing persons counterfeiting the notes from any of the loan offices in the United States, with death. They have appointed committees in the several counties to purchase clothing for the army, and given them orders to forward it with all possible expedition. An inquiry throughout this State into the arms and accoutrements of the independent companies and militia was ordered to be made yesterday.

Before Colonel Richmond, from Newport to Connecticut, liberty was given to Commodore Hopkins to enlist men into the navy from Colonel Richmond's and Colonel Cooke's regiments. Those enlisted on board the new frigates engaged for a year, and were about * * * in number, and those who entered on board the other vessels, amounting to about * * * were enlisted for four months.

The following is an account of the bills emitted upon the credit of the States:—

1775. May,	£20,000	redeemable in 5 years, with 2½ per ct. interest.
June,	10,000	ditto.
“ 2d sess'n	10,000	ditto.

LETTER FROM GOVERNOR COOKE.

October,	£20,000	ditto.	without interest.	
1776. January,	40,000	ditto.	" "	to redeem the
				omissions upon interest.
March,	20,000	ditto.	" "	
September,	66,670 dollars,	" "		redeemable in 6

All of which now outstanding upon the credit of the States amount 333,336 $\frac{2}{3}$ dollars, exclusive of the interest upon the forty thousand pounds first emitted, which ceased February 7th, 1776. A sum it must be confessed that appears large, but not much larger than this State was indebted at the close of the last war, and which the estates of a very few individuals in it would amount to.

The Assembly, at their session on the last Monday in October, unanimously appointed the Deputy Governor a delegate, but I am very sorry to inform you that he declined the service. No person can be more sensible of the advantages that will be derived to the United States in general, as well as to each State in particular, from a full representation in Congress than I am. You may therefore be assured that at the next session of the Assembly I shall strongly recommend the appointing of a suitable person to assist you.

About the middle of October, I received a letter from Captain Furr of the Syren, a British ship of war, then off Block Island, informing that he had on board his ship three masters of merchant vessels, five and twenty-four seamen, taken by the British ships, and that he had received Howe's orders to propose to me an exchange for an equal number of people prisoners here. I laid the matter before the Assembly at the next session, who consented to the exchange. And I have since sent Adjutant Stelle with a number of prisoners to Block Island for that purpose, who hath not yet returned.

The General Assembly, at the same session, permitted the capture of prize vessels in this State to purchase a vessel to carry their passengers and apprentices to Great Britain. They purchased a large ship, equipped her, got all on board, to the number of about eighty, and sent her below the Crook, where they waited several days for a wind, when the Assembly, which sat at East Greenwich on the 21st instant, received a letter from two of the council of Connecticut, who were then at New London, informing them that a Lieutenant Barker, with a flag of truce, arrived there, having power from Lord Howe to propose and agree to an exchange of prisoners; and that William Howland, a captain of a ship from Dartmouth, who was allowed to come in with the flag, to accelerate the exchange, acquainted them that the enemy had one hundred forty or fifty people on board a single ship in a most suffering condition; upon the

Assembly stopped the brig, appointed Colonel Church and Daniel Rodman, who proceeded to New London, and agreed with Lieutenant Barker upon an exchange. A copy of the agreement I enclose you.

I think it proper to suggest to you, that some further regulations of the posts are necessary, as it frequently happens that letters from Philadelphia are upon the road fifteen or twenty, nay, sometimes thirty days, before they come to hand.

The Assembly passed a resolve empowering me to grant commissions or letters of marque and reprisal to private vessels of war, giving such instructions and taking such bonds as should be agreeable to the resolutions of Congress, until commissions can be procured from Congress. You will please to lay this matter before that body.

In answer to yours of the 16th instant, I am to inform you that the committee decline undertaking to build two frigates here; that it would be extremely difficult to procure the materials, and that it is scarcely possible to procure at any rate the duck, iron and rigging necessary for them. The price of labor also from the scarcity of men, and other causes, is so greatly increased, that the frigates would be built here at a great disadvantage. Should it be thought best to build any in this State they can be done with much less expense in Warren.

I am, with great esteem and regard, sir,

Your most obedient and most humble servant,

NICHOLAS COOKE.

WILLIAM ELLERY TO GOVERNOR COOKE.

PHILADELPHIA, Dec. 4th, 1776.

SIR: — It is long since I received a letter from the Assembly, notwithstanding my repeated requests. I should rejoice by the return of the express, who will take the charge of this to receive the information I have desired. I am uninformed with regard to the force actually mustered in the Colony, for its defence, and what number the militia not employed in that service consists of; whether we have any powder mills agoing; what quantity of money our State hath issued: at what periods, the several emissions are redeemable, and what interest is allowed on any of them; whether any clothing hath been purchased for the army, and sent forward, etc. In short, I know nothing about the affairs of our State except what I collect from the private letters and newspapers, which I now and then receive. In addition to the information before prayed for, I could wish to know whether the Assembly have appointed a commissioner of the loan office for our State. Certificates will soon be ready to be transmitted to

the several States, and it is a matter of great importance that commissioners should be appointed to exchange them with those who may be disposed to let money on loan.

Please to advise me what sum you think may be hired in our State. I hope the loan office and State lottery may be encouraged in the respective United States; for upon the success thereof very much depends the supply of the treasury in such a manner as will check the depreciation of the public medium.

Tickets will in a short time be transmitted by the managers of the lottery to agents appointed by them in the several States, and I think the lottery is so well calculated that with the countenance which may be given to it by the States the tickets will soon be purchased.

Every step ought to be taken that can be taken to retard, to put a full stop to the career of depreciation, otherwise such floods of money must issue as can never be sunk. The prices of all the necessities of life, by the depreciation, owing very much to the quantity of paper money in circulation, by the limitation of commerce, and by a vile, sordid practice of monopolizing, which some wealthy men here have got into, have been raised within a year or two one hundred per cent.

I hope that the necessities of life have not risen in their value in the same rapid and extravagant manner in our own State: if they have, the poor especially, must be in a most deplorable situation. I am told that the General Assembly, at their November session, fixed the pay of their delegates at four dollars a day. I believe that they did not at that time think of the enhanced price of every article of living since the first Congress, otherwise they might have known that four dollars a day now, were not equal to three dollars which were allowed them then and until the session referred to, exclusive of their expenses; and I think they would not have fixed their salary at less than five dollars a day, which was the sum I had mentioned in my letters. I hope the General Assembly will reconsider their resolve. If three dollars were not inadequate to the service of the delegates, exclusive of expenses, in the first Congress, most certainly four dollars, which will not purchase now more than two would then, cannot be adequate; and beside this, out of these four dollars, the delegates must pay their expenses, which let them be as frugal as they can, will amount to a very large sum, and leave nothing behind as a reward for their services. I should be extremely glad that the additional delegate who may be appointed this December session might proceed as soon as possible.

I have scarcely had a minute for relaxation since Governor Hopkins returned home. I am obliged to attend committees morning and evening, and Congress from ten until three every day, Sundays sometimes not

excepted. Such constant attendance without any opportunity for exercise is too much for humanity.

Since the enemy took possession of Fort Lee, our little army under General Washington have been constantly on the retreat. He is now at Trenton with the main body, having left at Princetown two brigades under General Stirling. The association of that State are turning out to reinforce him, and stop the farther progress of the enemy. By a letter from Gen. Washington, of the 3d instant, dated at Trenton, he informs that the enemy had not passed the Raritan to Brunswick the 2d, at 9 o'clock in the morning; but that there was an account that a fleet of upwards of one hundred sail were turning out at the hook last Sunday. Some suppose that they were destined for this river, and that the enemy mean to attack this place both by sea and land.

I believe they will not be able to pass the Delaware with an army, and I should think they would not attempt the river with their ships at this season, for although the weather is now warm, yet we may expect a frost every day.

I hope that our battalions will be raised in season, and that we shall be able to bring into the field a large army the next spring, otherwise they will be able to carry fire and sword into our States, in which case the private property which hath been so fortunately amassed by privateering in some of the eastern States, as well as other property, will be destroyed. We should take care to preserve what we collect; and the preservation of our property, our wives and children, our lives and liberties, depends upon our being able to face the enemy in the spring with a respectable army. I said in the first part of this letter that you would receive it by express. You will receive it by commissioners appointed by the secret committee to collect and transmit to the army the clothing collected by the several States, and to make further purchases of clothing. They will not return till they have visited each of the eastern States. Give me leave, sir, to expect an answer by the very first safe opportunity.

I continue to be, with the utmost respect,

Your Honor's most obedient, humble servant,

WILLIAM ELLERY.

P. S. — Since I wrote the above, I am told that a number of loan office certificates will be sent off to-morrow to our State. I write in Congress, and find I have wrote on a dirty table. I have not time to copy. Your Honor I hope will excuse every imperfection.

W. E.

Mr. Ellery was misinformed as to the action of the General Assembly relative to the allowance to be made to dele-

gates. Such an act as he refers to, may have been introduced, but it was not passed at that session. At the February session, 1777, such an act passed the House of Representatives, but the Senate refused to concur, "on the ground that the allowance was inadequate," as appears from the letter of Governor Cooke to William Ellery, dated February 18, 1777, hereafter given.

WILLIAM ELLERY TO GOVERNOR COOKE.

PHILADELPHIA, Dec. 10, 1776.

SIR:— Since the enemy took possession of Fort Lee, General Washington, with the division under his immediate command, hath been constantly retreating until they have at length passed the Delaware, and I suppose, mean to make a stand on the banks of the river opposite to Trenton. To prevent their being hemmed in at Hackensack, they passed the river of that name and the river Passaic, and retired to Newark. The enemy advanced, and upon their approach, our army being insufficient to withstand them, retreated to Woodbridge. The enemy followed. From thence our army marched to Brunswick. The British army soon appeared on the side of the Raritan, opposite that town. A cannonade ensued, but without any hurt on either side, saving the killing of a Hessian officer by one of our cannon shot. As the river is fordable, it would not do to continue there. Our troops decamped and marched to Princeton, where General Washington left a body of twelve hundred men under Lord Sterling, and with the rest moved to Trenton, and sent over the Delaware his principal stores, to secure them from the enemy. After this was effected, he sent a reinforcement to Lord Sterling, and hoping that he would be joined by the militia of the Jersey and this State, and by General Lee, who, it was said, with his division had passed the North river and was advancing to join him, intending to make a stand at Princeton; but by a strange dilatoriness and the confusion which took place in the Jerseys on the enemy's penetrating their State, and the lukewarmness, not to give it a worse name, of this, the enemy had approached Princeton before a sufficient number of militia from these States had joined General Washington to enable him to make an effectual stand there. He therefore retreated to Trenton, and crossed the river with his army last Saturday night. On Sunday the enemy appeared at Trenton, and a cannonade ensued at Brunswick. Yesterday Generals Putnam and Mefflin came to town, and inform that the enemy had disappeared from Trenton, but they could not tell whither they had gone. I

imagine we shall soon see them in that part of Jersey opposite the city, and perhaps hear the thunder of their cannon and mortars, and feel the effects of shot and bombs. We don't hear of a fleet yet in the Delaware, which I have for sometime expected. I imagine the enemy dare not venture it for fear they shall have ice as well as chevaux-de-frise to encounter. I hope we shall be able to keep them out of this State, and we should be able to do it if the country would exert themselves with a tenth part of the spirit which the city hath manifested on this occasion, or if General Lee should join General Washington with five or six thousand men, which I most devoutly wish for and expect. Where he is or what delays his coming, is unknown.

I find by a private letter from Newport, for I have not had intelligence of a higher nature for a long time, that General Lee had written to our State that he thought that the embarkation at New York was intended for Rhode Island, and that this intelligence had thrown the town of Newport into great confusion, and that the inhabitants were all upon the wing. We have heard of transports being prepared to receive troops, various ways, and for six weeks past, and that sometimes troops were really embarked, and that sometimes they have sailed for South Carolina or Rhode Island, but I can't find that they have ever embarked any troops, nor do I think they will for either of those places, while they pursue such high game and mean to secure the ports and places they have and may possess. They have not men enough to spare at present, nor do I think they will have this winter, for any distant expedition. However, as I have often said, it is wise and prudent to be on our guard. Captain Garsia, who will hand you this letter, cannot wait a moment longer, which obliges me to close abruptly.

I am, with great respect,

Your Honor's most obedient, humble servant,

WILLIAM ELLERY

GOVERNOR COOKE TO WILLIAM ELLERY.

PROVIDENCE, December 22d, 1776.

SIR: — I wrote last week to Mr. President Hancock, an account of the enemy having taken possession of Rhode Island, since which, from the best information we can procure, we estimate their number at about 6,000. We have intelligence that they are taking on board their transports a considerable quantity of hay and straw. As our troops at Newport were in hourly expectation of large reinforcements from the continent, the enemy's

fleet appeared in sight before it was determined to evacuate the island. This put it out of the power of many of our good friends to remove. We left nineteen cannon, with the shot, &c. The powder and some other stores, with near four hundred head of neat cattle and four thousand sheep, were got off.

Upon the first alarm the militia of the State and of the neighboring parts of the Massachusetts Bay and Connecticut marched with great alacrity to defend the country. But the helpless situation in which men called suddenly to arms must, of course, leave their families, together with the want of discipline, and the usual instability of militia, have already caused many of them to return home, and others are continually going off. We have now about six thousand under arms, who are posted in different places, from Point Judith to Seconet, and who are retained in the army with great difficulty. These considerations induced the General Assembly to propose a conference to consider the most effectual means speedily to establish an army of sufficient force to prevent the enemy from penetrating the country, and perhaps to compel them to retire on board their ships.

By intelligence from the Massachusetts Bay and Connecticut, their committees may be expected in the course of two or three days. We are at present employed in throwing up intrenchments to secure this town, the possession of which we imagine is a grand object with the enemy. As from the situation of the country round it might be fortified in such a manner as to make the expulsion of the enemy a work of extreme difficulty, and from hence they might enter the very heart of the country. The Warren, Providence, Columbus, and the brig commanded by Captain Weaver, and sloop Providence, are all lying at Pawtuxet, having between four and five hundred men on board.

The General Assembly ordered two regiments of seven hundred and fifty men each, to be raised for fifteen months, and have appointed a council of war, consisting of ten persons, of whom five are a quorum, with full power during their recess to take care of the public safety. They have appointed General Lincoln to the command of the forces in the State, and Monsieur Malmedy, a French gentleman, strongly recommended by General Lee for his military talents, principal engineer and overseer of the works, with the rank of brigadier general. The grain is now removing with all possible expedition from Boston Neck and Point Judith, at both which places a number of men are posted to drive off the stock upon the first motions of the enemy.

The Congress without doubt have frequently had under consideration the necessity and best means of procuring assistance from foreign powers. The General Assembly, that nothing might be wanting on their part, to

give authority and right to the measure, have expressed their sense of it in the enclosed vote, of which you will make a proper use.

I am, with great respect and esteem, sir,

Your most obedient, humble servant,

NICHOLAS COOKE.

The following is the only vote among the proceedings of the General Assembly, at their session commencing on the 10th of December, that has any reference to foreign aid as such. It is probably the one a copy of which was enclosed in the preceding letter :

IT IS VOTED AND RESOLVED, That His Honor the Governor be, and he is hereby empowered to grant commissions for privateers or letters of marque and reprisal to any foreigners who may apply for the same ; they first giving bond with sufficient sureties from any of the United States for their due observance of the resolves of Congress and acts of this State respecting privateers and letters of marque and reprisal ; any law, custom or usage to the contrary notwithstanding.

WILLIAM ELLERY TO GOVERNOR COOKE.

BALTIMORE, December 25th, 1776.

SIR : — I did myself the honor of writing to you by Captain Garzia, the 10th instant, since which, nothing new hath taken place that I know of in the army, excepting the capture of General Lee by a party of the enemy's light horse on the 13th. By some fatality, as General Sullivan in a letter to Congress, expresses himself, General Lee, with his family, took lodging in a farm house about three miles distant from the army under his command. Some Tories informed the enemy of his situation. They sent off eighty light horse to take him, who surrounded and attacked the house. The General with his family made a faint resistance but were finally obliged to submit, and the poor General was carried away captive.

A fatality strange indeed, for some time past has seemed to attend our affairs. The loss of fort Washington, when twenty-six hundred of our men were captivated in an inglorious manner, the loss of fort Lee by surprise, with a great quantity of stores, and the capture of the general who was honored by his name being given to the fort, and in short, all our affairs have in a strange manner proceeded. I hope in God, better fortune will attend our future operations.

General Howe's army, by our last advices, had extended itself along the Delaware, towards the north principally, with an apparent design to pass over the river. General Washington had posted his army along the river so as to obstruct their passage. Some of the militia of Pennsylvania, the lower countries, and Maryland, are about to reinforce, and some have actually reinforced his army, and General Sullivan, on whom the command of the division late under the command of the unhappy Lee, is devolved, was on the 13th of this month marching to join him. When they join they will together make a respectable army, sufficient to prevent Howe's entering Pennsylvania. Indeed the armies must before this have formed a junction, if General Sullivan's division hath not been repulsed by General Howe. We expect to hear from Philadelphia every moment.

You have doubtless before this heard of the removal of Congress to this place. This is the first opportunity I have had, and this is circuitous via Boston, to inform you of it. The enemy was so near and affairs in the city in such confusion that it was improper and unsafe to continue there, and for reasons too long for a letter. Baltimore was fixed upon as the most suitable place for holding Congress in for the present. I should like the place well enough if it was less distant from the army, less dirty, and less expensive.

It is long since I have heard from my constituents. What is doing, and how do matters stand in our State, I know no more than an inhabitant of the moon, although it would be beneficial to have information seasonably.

We have an account that a fleet with eight or ten thousand men have gone to Newport, and that the island was evacuated by the inhabitants, but that the enemy had not landed. By a letter of General Wooster to Congress, of the 8th instant, we are informed that the fleet on the 6th were off New London. If it be true, that so large a force hath gone to Rhode Island, something more is intended, in my opinion, than the taking the town of Newport for winter quarters. I suspect that they mean to take possession of Providence, and from thence penetrate into the Massachusetts Bay. If they attack Providence it will be by land. They will pass up the bay to Warwick Neck perhaps, then land and march to the town. There ought to be a good redoubt at Warwick Neck to check their landing and give time for troops to be arrayed to oppose their progress. I think that this division of the enemy's army affords us a fine opportunity to make an efficacious stroke at them. As soon as I had notice that I thought I could depend on, I immediately proposed to the New England delegates to write to General Washington, informing him that a fleet with a large body of troops under Clinton had sailed for Rhode Island, and desiring him to send General Gates or Green, with such brigadier generals as could be spared,

to take the command and direction of the troops that might be raised in New England, to repel the enemy from the island or oppose their making any inroads into the country. It was agreed to, and a letter written. The General told us in answer, that he had received previous notice, and had sent orders to Generals Arnold and Spencer, who were then at Albany, to repair to New England and take the command of the yeomanry that should muster on the occasion. I hope that the militia will universally turn out and not suffer the enemy to enter and ravage our State as they have done the Jerseys. I hope they will turn out in such numbers as to be able to give an effectual blow to the enemy in our quarters. If the army under Clinton should receive a mortal wound from the brave New Englanders, it would, in my opinion, bring the war to a speedy close, whereas if this opportunity of the division of the British army should be neglected or not improved, the war, in all probability, will be protracted to a great length, if not speedily issued in our destruction, in the destruction of all we hold dear, for we have good reason to think that a reinforcement of twenty thousand men will be sent over next spring. In a letter from an unknown but I suppose a good hand, read in Congress this day, it appears that the court of London had attempted, and were attempting, by every means they could devise, to procure aid from every power in Europe, or to induce them to a neutrality, and the writer of the letter gave it as his opinion that what they could collect in Germany, together with recruits raised in England, Scotland and Ireland, would amount to about that number, and that Russia would not furnish them with any men. From hence the necessity appears that we should act in every quarter, this winter, with the spirit of men contending for an invaluable prize.

By expresses from Philadelphia received this day, it seems that the militia of that State begin to rouse themselves, and are collecting very fast to reinforce General Washington. I have some hopes that Howe will be driven out of the Jerseys this winter. If this should take place, and the New England States should give Clinton a sound drubbing, we then need not fear what Britain with all her mercenaries shall attempt. There are brave, enterprising spirits in Providence. They burned a Gaspee. They may burn the British fleet. I hope they will make the trial, and every effort to destroy both the fleet and army. I imagine that there is a number of seamen in port belonging to the navy of the United States as well as privateers. These men I should think could easily be induced to enterprising any thing. They are brave and well know that if the British fleet suffered to remain in our bay, there will be an end of privateering which they have made immense gains. What I have written on this he goes on the supposition that a fleet with a large body of troops is at Rh

Island, and flows from that warm regard I have for the State of Rhode Island and the glorious cause in which we are embarked. In this cause I am willing to exert, and have exerted, my best abilities; for this I have suffered great anxiety, have left wife and children and the sweetest and closest connexions in life. Where my wife and children are, I know not. I hope they have escaped from Rhode Island and not fallen into the hands of the enemy. If they should have been so unhappy, I hope the State will interfere in their behalf, and procure their release.

I wish that an additional delegate may have been chosen, and that he may have set off for Congress. If it should not have been done, I hope it will be speedily done, and that an addition might be made to the salary already voted, and I believe the Assembly will not think me mercenary nor an addition unnecessary, when they are informed that I am obliged to give six dollars a week for board myself, and that every article of living has doubled within a year or two. I ask no more of the State than sufficient to give me a decent support while I am in its service, and I know the generosity of my constituents too well to doubt their disposition to do what is right in this instance. To that generosity and good disposition I readily submit the matter, and

Am, with sincerest regard,

Their and your Honor's friend and humble servant,

WILLIAM ELLERY.

WILLIAM ELLERY TO GOVERNOR COOKE.

BALTIMORE, Dec. 31, 1776.

SIR: — I received your letter of the 30th of November, and laid it before Congress, and took very particular notice of the very weak condition of the State. Congress are sensible of its situation, but as they have, by a late resolve, which the President will, by this express, transmit to you, with a circular letter, in which the reasons for their doings are contained, delegated to and invested General Washington with the whole military power, for a limited time, application will probably be made to him in every instance, which respects the military department. With regard to the other parts of your letter, which were ordered to be laid before Congress, as they required no particular observations, none were made upon them, either by Congress or me. I was extremely glad to receive so much particular information into the affairs of our State, and hope you will continue to make me acquainted with such doings of the General Assembly, from time to time, as may be thought proper to be communicated. I should be glad to know whether we have any powder mills in the State; whether they are going,

and supplied with saltpetre to keep them in motion. At present, indeed, if any should have been erected in the State of Rhode Island, they may be stopped, by the enemy having entered our State; but I hope so large a force will soon be, if it should not be already, collected as to give security to the town of Providence, and prevent them from making any excursions into our State, to confine them to Rhode Island, if not to expel them from thence, in which case all mechanical business and manufactures may proceed.

In my last, of the 25th instant, notwithstanding the gloomy appearance of our public affairs, I still expressed hopes that General Washington might be reinforced by the division under General Sullivan, and the militia from the State of Pennsylvania, and thus reinforced, be enabled to meet and drive the enemy from the Jerseys. General Sullivan, with his division, and some of the troops from Ticonderoga, whose time of enlistment had expired under General Gates, have joined General Washington, and also some of the Pennsylvania militia. This, and the glorious success of an enterprise well planned by our General, and as well executed on the morning of the 26th, have elevated my hopes, and give good reasons to expect that our cruel foes may be driven from Jersey. The President, I suppose, will send you an account of that enterprise, but lest he should omit it, and as we have been for some time unsuccessful, and this noble exploit may exhilarate the spirits of my countrymen under their present situation, I can't forbear enclosing you a handbill of the particulars, with some additions on the reverse, made from General Washington's letter of the 27th. I heartily congratulate you on this noble and unexpected event, an event, which, though by no means decisive, yet, by the spirit it will give to our troops in actual service, to the militia in the neighboring States, to our army, and to all the United States, is of the greatest importance. I hope, and do not doubt, but that it will have a fine effect upon the troops which may be collected to support our State, and urge them on to some such enterprise, if they should have an opportunity to execute it.

Among other things that fell into our hands by the victory at Trenton, were four standards, one of which is now in the room where Congress is held, and directly before me. It is a Hessian silken standard. The battalions which were surprised and subdued, were the regiments of Landspatch, Knipphausen and Rohl. I would describe it, if I were acquainted with heraldry, and if it were important enough to engage your attention. In the entire of a green field of about four or five feet, is a decorated gilded circle, which encloses a lion, rampant, with a dagger in his right paw, and this motto in the upper part of it, "*Nescit Pericula*;" the crest is a crown with a globe and cross upon it; in the corners are gilded decorated circles and globes, and crosses on their tops, and in the middle "F. L.," in cyphers;

a broad blaze extends from the corners to the piece in the centre, and three small blazes are placed in the field, one in the middle of the side next the staff, one in the opposite side, and one in the middle on the lower side or bottom. How well the motto suits the conduct of the troops where it was once waved, I shall leave, and you, sir, with this sincere wish that the troops in our State may acquire like trophies, that this successful, happy enterprise may prove an omen of future decisive victory over our barbarous foes. I continue to be, with the greatest esteem and consideration,

Your Honor's most obedient and humble servant,

WILLIAM ELLERY.

P. S. — Enclosed you have a newspaper which contains the first number of "Crisis," an animated, useful performance, and which ought, in my opinion, to be reprinted everywhere in America. The express not going out so soon as was expected, gives me an opportunity to send you a printed copy of General Washington's letter, and the return of the prisoners, &c. What I have called the standard may be only one of the colors mentioned in the return. There is a report that a body of our troops under General Heath, had taken possession of Hackensack and Fort Lee, and captured one hundred and thirty prisoners, a number of tories, etc. I wish it may prove true. There indeed appears to be good ground to credit it. I was just now told by a gentleman who had conversed with the aid-de-camp who brought General Washington's letter, that His Excellency's horse was wounded under him, and that we had taken more prisoners than were mentioned in the returns, and more arms.

W. E.

WILLIAM ELLERY TO GOVERNOR COOKE.

BALTIMORE, January 7, 1777.

SIR: — I received your letter of yesterday, by an express from Philadelphia. Your express was so fatigued that he could not proceed immediately on, and therefore another was sent forward with it. I laid your letter and the resolve before Congress this morning. They are disposed to do every thing in their power for the benefit of the States, and have taken such measures as they thought might be effectual to secure the assistance you wish for. The measures that have been taken to prevent the enemy from penetrating the country, and for expelling them from our State, give me vast satisfaction.

I hope the troops in our quarter will act on the offensive, and with spirit. Offensive operations have proved successful, while our defensive measures have been attended with loss and disgrace. I have, in my last, given you an account of General Washington's success at Trenton, on the

26th of last month. I wish I could give you the particulars of his success at the same place on the 3d instant. By private letters by the post, yesterday, it appears that he had gained a complete victory over a large body of the enemy, pursued them too, and took possession of Princeton, and was still pursuing, capturing and destroying them, when the accounts reached Philadelphia. An express is expected this day, but as one sets off immediately for the last mentioned place, who will deliver this to your express, who was so fatigued that he could not come on, I cannot wait for the particulars, and have only time to add, that I heartily congratulate you, on our late successes in the Jerseys, that I wish equal success to the troops in our State, and that I am, with great respect,

Your Honor's most obedient, humble servant,

WILLIAM ELLERY.

P. S. — I have requested Mr. Morris, one of the Pennsylvania delegates, to send you the particulars of the last action, by your express.

WILLIAM ELLERY TO GOVERNOR COOKE.

BALTIMORE, Jan. 30, 1777.

SIR: — The time of Congress, since my last, has been principally taken up in devising ways to prevent the depreciation of the Continental money, and to provide for the future army. The resolves ordered to be transmitted to the several States must have reached you before this, which renders it unnecessary to give the substance or transmit copies of them. Governor Trumbull has transmitted the doings of the New England States to Congress. They will be taken up to-morrow, and I doubt not, approved.

A letter sent by Mr. Jarvis, to the secret committee, reassuring his furnishing our State and the Massachusetts with arms taken out of the Hancock and Adams, and desiring to know whether they approved of his conduct or not, and how, in future, he was to act in similar instances, was by them laid before Congress a few days ago. This brought on a severe inquiry into the propriety of Rhode Island's asking for those arms, a review of her former conduct respecting the cannon, etc., as well as into the propriety of the conduct of agent Jarvis. After a smart storm, the conduct of the agent was approbated. I hope our State will take special care that the arms be returned as soon as the necessity for taking them shall cease.

Before this reaches you, you will have heard of the success of our arms at Princeton, as well as at Trenton. Our scouting parties have been since successful in many instances. The principal you will have in the enclosed handbill, which, at the same time, gives an account of the taking of Fort Independence, etc., on which I heartily congratulate you. A cannonade

and platoon firing was heard a few days ago near Elizabethtown, where a detachment under General Sullivan was posted. From some circumstances I am induced to believe that our detachment came off victorious. I hope to hear of something clever from our State soon. Now is the time to strike decisive blows. The British army is divided, and their ardor is dampened, and ours enhanced by our late successes. It is a good old proverb, to strike while the iron is hot, when it will yield to the stroke. Our affairs are in a fine way at present, and if we do but push our success, the contest will be decided this winter, but if we should not embrace this golden opportunity, reinforcements will be sent over in the spring, and the war will be protracted, to the great loss of the lives and properties of the inhabitants of the United States. Therefore I will hope that the troops collected in our State will not remain inactive this winter, but exert themselves, and make some capital stroke on the enemy.

I should be extremely glad to have an assistant. I am afraid I shall be worn out by such a long continued attention. The Assembly, I hope, have chosen another delegate. If they have, I entreat that he may come on immediately; and I could wish for an augmentation of salary, for reasons I have already mentioned. Heartily wishing for a speedy expulsion of the enemy from our State, and for your Honor's health and prosperity,

I continue to be, with great esteem,

Your Honor's most obedient, humble servant,

WILLIAM ELLERY.

JOHN HANCOCK TO THE LEGISLATURE OF RHODE ISLAND.

BALTIMORE, January 10, 1777.

GENTLEMEN:—The necessity of filling up the army, with the utmost expedition, has induced Congress to direct me to request that you will, as soon as possible, inform them what success the recruiting service has met with in your State, toward raising the troops required by a resolve of the 16th of September, which was formerly transmitted to you. I am, therefore, most earnestly to entreat your compliance with the resolve as speedily as possible. I have the honor to be

Your most obedient and humble servant,

JOHN HANCOCK, PRESIDENT.

To the Honorable the Assembly of the State of Rhode Island.

This elicited the following reply:—

PROVIDENCE, February 8, 1777.

SIR:—I am favored with yours of the 10th ult., desiring a return to be made to Congress of the number enlisted into the Continental battalions,

assigned as the quota of this State. In answer to which, I am to inform you, that very soon after the appointment of some of the officers, we were alarmed with the appearance of a formidable fleet in the Sound, whose destination we had no doubt was for this State. This turned our attention to our immediate defence. As it was absolutely impracticable to raise, with expedition, forces to serve during the war, the General Assembly concluded to raise two battalions, of seven hundred and fifty men each, and one regiment of artillery, of three hundred, for fifteen months, who are enlisted for the service of this State and the other United States. So large a body of the enemy being within this State, hath compelled us also, to keep one-third of all the fencible men of the State under arms. Add to these, the loss of Rhode Island, so great a part of the State, and that we have not had, until very lately, more than one recruiting officer for the Continental battalions in the State; all which causes have prevented any considerable enlistments.

About fifty men have been enlisted, and permission is now given to those that enlisted for fifteen months, to enter into the Continental battalions, which, I have no doubt, will furnish a considerable number. The General Assembly will meet to-morrow, and will do every thing in their power to promote this most important service.

I am, with great respect, sir,

Your most humble servant,

NICHOLAS COOKE.

To the Honorable JOHN HANCOCK, President of Congress.

GOVERNOR COOKE TO WILLIAM ELLERY.

PROVIDENCE, February 18th, 1777.

SIR:—The General Assembly, at the last session, appointed Henry Marchant, Esq., an additional delegate to represent the State in Congress. The lower house passed a vote allowing the delegates twenty-four shillings per day in lieu of all other charges. The upper house non-concurred with the vote, because they thought the allowance inadequate. In this manner the affair now rests. The General Assembly, at the last session, passed the following acts:

An Act allowing an additional bounty to the persons enlisting into the Continental battalions raising by this State, of sixteen pounds, and engaging to furnish them with the proper arms and accoutrements, a blanket and knapsack.

An Act empowering the general treasurer to hire £50,000, at an interest of 4 per cent. per annum, and to issue his notes therefor, payable in five years, which are made a tender in law.

An Act to exempt the people called Quakers from doing any military duty, upon their producing a certificate from the clerk of the monthly meeting to which they belong, of their being members of that society.

An Act appointing a committee to make an estimate of rateables in the State, in order to assess a tax at the next session. Almost all the vacancies in the two Continental battalions have been filled up, and the officers directed to exert themselves in recruiting.

The Assembly have adjourned to the first Monday in March, in order to try the effects of encouragement given, and then will take every possible measure to complete these battalions.

The General having expostulated with us in pretty warm terms upon our raising a brigade for fifteen months, owipg, without doubt, to the misinformations he hath received, I think it proper to inclose you a copy of what I have written to him upon that subject, to which I would add, that the soldiers are to have the same wages as the Continental troops. You will represent the conduct of the State in the most favorable light. Indeed, the circumstances of the State, at that time, were such as rendered it absolutely necessary to raise a body of men with all expedition. When we looked to the westward, we saw our army reduced to nothing, and when we reviewed the New England States, we saw no appearance of raising the Continental battalion. In this extremity, we thought it more practicable to raise troops for fifteen months than for three years, or during the war, not doubting but that Congress would approve the measure and take them into pay.

It gives me pleasure to hear that Congress have approved the conduct of Mr. Jarvis, in supplying the State with arms, upon the powerful invasion of the enemy.

When it is considered that the State has supplied all the forces they have sent to the Continental army with arms, none of which have been returned, and that the Continental ships, built in this State, and the seamen sent from it have also been furnished here, I much wonder that any objection could be made to his conduct. The General Assembly have appointed Messrs. Greene and Howell to proceed to Congress and make application for the money advanced by this State. You, who are so well acquainted with the circumstances of this government, need not any argument to exert you to use your utmost influence to obtain payment, as the credit of the State is now stretched to its utmost extent, and the expenses of defending it are at present so enormous as to require prodigious sums. It is proper to acquaint you that we have been at almost the whole expense of supporting the troops from Connecticut and Massachusetts, while in this State, which hath increased our demands to the very large sum you will find stated in the

accounts. Should it be impracticable to supply our commissioners with the money, you will endeavor to procure an order to the commissioners of the loan office in this State, to issue notes for it in behalf of the Continent, in which case it will be necessary to send forward by them a new supply of notes.

By the last intelligence from Newport, the force of the enemy there is about three thousand. General Spencer is in expectation of being soon supplied with a sufficient body of men to attack them, and is making every preparation for that purpose.

I am, with great esteem and respect, sir,

Your most obedient, humble servant,

NICHOLAS COOKE.

WILLIAM ELLERY TO GOVERNOR COOKE.

PHILADELPHIA, March 6th, 1777.

SIR: — A Mr. Jackson, one of the managers of the Continental State lottery, called upon me this morning, and told me that he was going to the Eastern States with tickets, and desired me to recommend to him some suitable person or persons in our State with whom he might lodge a number of them for sale. I told him that your Honor was better acquainted with proper persons than myself, and could readily point him to them. Agreeably to his request I therefore recommend him to your notice, and beg that you would advise to whom to apply. As a State lottery is one of the measures that Congress hath taken to put a stop to the torrent of depreciation, I hope it will be countenanced and encouraged by the State of Rhode Island, and that the loan office too will be patronised and promoted. The interest on the loan office certificates was lately raised to six per centum, which I should think would be a sufficient inducement to money lenders to lend their money; especially when it is considered that if large sums of money can be borrowed it will tend greatly to check the sinking credit of Continental money, and thereby benefit them as well as others. Congress have resolved that the paper bills issued by the States might be received at the loan office, and exchanged for certificates; and that the bills so received should remain there, and go as far as they might toward the payment of the Continental debt due to the respective States; and accordingly letters to this purpose have been transmitted to the keepers of the loan offices in the several States. I mention this the more particularly because it will probably prevent Congress from ordering the commissioners of the loan office in our State to issue notes for the payment of the debt due to it; which is a mode pointed out by you, in case it should be impracticable to

supply Messrs. Greene and Howell with the money asked for. I returned here the day before yesterday; the weather hath been so bad as to prevent members enough from coming up to make a Congress. As soon as they meet I shall use my influence to procure an order on the treasury for the money; but not with any hope of success for the present, for there is not more than a million dollars in the treasury, and that sum is already mortgaged. I wish I had been notified of the intention of the State to send persons here for money, before they had sent them. In that case I would have advised to postpone the matter until the five millions of dollars which are ordered to be struck should have been completed. However, I will do all I can in this, as well as every matter directed by the State of Rhode Island, &c., and hope I shall be able to get some money, although I utterly despair of obtaining a quarter part of what is now due. The President will, I presume, transmit to you the resolves recommending it to the States not to emit more money; nor borrow at a higher rate of interest than six per cent., etc.

I am much obliged by the information you have given me; and should be glad to receive, at least, the substance of all public acts as soon as may be convenient after the rising of the Assembly; for besides the disadvantages which may follow from ignorance, it is a shame for a delegate not to be able to tell what is done in his own State.

We have nothing remarkable from the army in the Jerseys. In a skirmish last Sunday week, between eight hundred of our men and the reinforcement from Rhode Island, consisting at least of seventeen hundred, some say upward of two thousand men, our troops had much the advantage. We killed fifty of the enemy at least, and wounded in proportion, took it is said, a few prisoners, and a small matter of camp equipage, with the loss on our side of only three or four men. Some accounts say that we killed and wounded five hundred and four, but this, I believe, is beyond the truth. I rejoice to hear that General Spencer is meditating an attack on Rhode Island. I wish that he may collect force enough to make it successful. It is of great importance to take advantage of the divided state of the British army.

I continue to be, with great esteem and consideration,

Your Honor's most obedient, humble servant,

WILLIAM ELLERY.

P. S. — I write under a great headache, occasioned by a bad cold, in great haste, and upon such paper as I could get at my lodgings, therefore I hope I shall be pardoned. I hope my new colleague will come on as soon as possible.

W. E.

WILLIAM ELLERY TO GOVERNOR COOKE.

PHILADELPHIA, March 15th, 1777.

SIR :—I have the pleasure to inform you that, beyond my expectation, I have procured a resolve of Congress, in favor of our State, for an order upon the auditor general for two hundred thousand dollars, upon the loan office for sixty thousand dollars, and upon the treasury for one hundred and forty thousand dollars, to be paid out of the new emission ordered to be issued. Before Congress left Baltimore, they ordered a million of dollars to be delivered to the auditor general, subject to drafts from Congress ; the money is on the road, and so soon as it arrives the orders upon him will be paid, and your commissioners dispatched.

I received a letter yesterday from Samuel and Robert Purviance, dated Baltimore, March 10th, 1777, enclosing a letter to me from your Honor, which they say they had received that morning by Captain Timothy Coffin, who was addressed to them by our State for a load of flour and bar iron. That they should load and dispatch him as soon as possible ; but from the present extreme bad condition of the roads, it was very difficult to bring flour or any thing else to town, therefore produce would come in but slowly for some time. That you had sent a general order on Mr. Hillegas for as much as would load the vessel. Mr. Hillegas says he can't pay it without a warrant on the order specifying the particular sum. As this can't be known until the vessel is loaded, that they shall when that is done, transmit me the order to obtain a warrant for the value shipped, and close with desiring me to give your Honor the earliest notice of Coffin's arrival. I do it, sir, with great pleasure ; and shall pay them by an order upon the treasurer, who will continue at Baltimore for sometime, for so much as the lading, &c., shall amount to, to be paid out of the one hundred and forty thousand dollars, for which I have an order upon him, as before mentioned.

We have nothing remarkable. The President received a letter last evening from Colonel Wayne, at Ticonderoga, dated the 2d of March. Everything was in peace. He mentions how the enemy were posted in Canada, and in doing that says that the famous, now the infamous, Paoli, commands at one of them. There are two British grenadiers in town, who lately deserted from the army in the Jersey. They say that the enemy were in want of fresh provisions and forage, and that there was a red fever among the Hessians which proved very mortal. From this and other accounts, of the want of forage, and from the loss and incapacity of their horses for service for want of food, I hope and conclude that they will not be able to move from Brunswick until we shall have collected an army sufficient to attack and

demolish them. I am impatient to hear of an attack upon Rhode Island. I hope nothing will prevent it. A successful attack there would be of infinite advantage to the common cause. I am in great haste, but with all due respect,

Your Honor's most obedient, humble servant,

WILLIAM ELLERY.

WILLIAM ELLERY TO GOVERNOR COOKE.

PHILADELPHIA, March 30th, 1777.

SIR: — Agreeable to the directions in your letter, by Messrs. Greene and Howell, I have exerted myself to the utmost of my power, and have been happy enough, by the kind offices of the President and others, in consequence of my application, to procure a very great part of the balance due to the State of Rhode Island, &c., which I wish may go safe to our treasury. The commissioners will inform you as to the unhappy cause of their detention; they will also acquaint you with the moneys they paid Messrs. Purviances out of the moneys received from the treasurer in Baltimore, and when it was expected that Captain Coffin would sail, and with every article of intelligence. If the moneys paid by them to the Purviances should not amount to the balance of their account, I shall improve that circumstance to obtain a resolve for an additional sum, and take the money along with me, if I can, when I return to our State.

I should be exceedingly glad if the General Assembly would choose a delegate early in the first session, after they receive this, and give immediate notice of their appointment by transmitting a copy of their resolves on that head, to their delegates in Congress; because after the expiration of the time for which I was appointed I cannot take a seat in Congress, and I mean to continue here until I am made acquainted with their appointment; for if I should not be re-chosen, I shall take home with me all my baggage, only a part of which I shall be obliged to carry backward and forward, if I should be honored with a reappointment.

It is the observation of an author well acquainted with human nature, that the least a man says in his own praise is still too much. I will, therefore, only observe, in my own behalf, that if I have not discharged my duty hitherto so well as I ought to have done, it hath not been owing to a want of attention to it; and that if the State of Rhode Island should think proper to honor me with a reappointment, they may rely on my most strenuous endeavors in its service.

The liberty of America I hold dearer than my life, and shall always feel a satisfaction, amidst any sacrifice of ease and domestic comfort I may

make, when I can contribute towards its establishment, and the prosperity and happiness of the State of Rhode Island, &c.

With the warmest wishes for both, if they do not involve each other, and for your Honor's health and felicity, I continue to be, with the greatest consideration and esteem,

Your Honor's most obedient, humble servant,

WILLIAM ELLERY.

P. S. — The delegate to be chosen will, I suppose, be chosen for a year, the year to commence at the expiration of the time for which I was appointed.

W. E.

I have delivered the loan office certificates for sixty thousand dollars, to your commissioners. It is endorsed to you, sir, for the use of the State.

WILLIAM ELLERY TO GOVERNOR COOKE.

PHILADELPHIA, April 6th, 1777.

SIR:— You will receive with this a letter from Messrs. Samuel and Robert Purviance, inclosing an invoice of sloop Diamond's cargo, and an account of disbursements, by which it appears that there is a balance due to them of £164, 16s. 8d.

After waiting a convenient time, I shall make a fresh application for the balance due to our State, and out of the moneys I may receive, pay the above balance. If I should not be able to procure an order on the treasury in season, I have wrote those gentlemen that I would borrow and transmit to them the money due to them, upon the first notice.

Enclosed is a resolve of Congress, respecting your granting commissions, which I transmit, because, in the multiplicity of the President's business, it may be forgot by him. I laid the paragraphs of your letter which related to that point before Congress, immediately upon the receipt of your letter. Congress did nothing in the matter, which amounted to an acquiescence. A day or two ago, a letter from the President of South Carolina, was read in Congress, representing that for the want of commissions, instructions, etc., he had issued commissions, and desiring that a resolve might pass which might give validity to his commissions. This brought to my mind your granting commissions, and induced me to move the resolve, which is now enclosed. If Continental commissions should be wanted, you will send for them in time.

It is said that the troops, which in a letter to Commodore Hopkins, I mentioned had embarked, and desired him to communicate to you, have disembarked; but in a late letter from the General, he does not mention it. It is his opinion that this city is the great object of the enemy, and it is,

too, the sentiment of General Greene. I wish we may be prepared to receive them.

I am greatly mortified to find that the expedition designed by the General Assembly hath fallen through. To what cause this is owing I know not; but I am sorry that the militia of this continent should, by the military, be considered in a light so little respectable as it is. I know not what number were collected in consequence of the spirited resolution of our State; but I should think that six thousand militia, conducted by good officers, would be sufficient to expel, destroy, or capture the four thousand said to be on Rhode Island, a number of whom are, doubtless, invalids. But this I speak with submission, for I am unacquainted with the military walk. I never travelled in it. However, in the present, as well as in the last war, militia did, I remember, and have done, many notable feats.

I could wish to have this business taken up again, if it can be done with a good prospect of collecting an army of six or eight thousand men, and some able, spirited officers to conduct them. I am not alone in my opinion of the advantages which would attend such an expedition, nor of the prowess of militia. You will excuse these hints, suggested and thrown out from a mortification I feel in having a handful of the enemy in possession of an Island so beneficial to them, when it appears to me that our militia, with the aid of our sister States, could very easily dislodge or destroy them, and from a love of country.

Mr. Marchant has not arrived, I hope the request in my last will be complied with.

I am, with great regard,

Your Honor's most obedient servant,

WILLIAM ELLERY.

From May, 1776, Congress continued its session until the approach of the British troops induced an adjournment, on the 12th of December, to Baltimore, there to meet on the 20th of the same month. They held their session at Baltimore until the 27th of February, when they adjourned to meet at Philadelphia, on the 3rd day of March. There they resumed business on the 12th day of March, and remained in session until May, 1777. John Hancock presided over their deliberations through the year, Charles Thompson being Secretary.

During the year preceding May, 1777, William Ellery was one of the delegates from this State, and was in his seat. Gov. Hopkins, the other delegate elected in May, 1776, returned to Rhode Island in the autumn of 1776, and did not afterwards appear in Congress. These were the only delegates from Rhode Island during the year. The Assembly, in February, 1777, appointed Henry Marchant, of Newport, "an additional delegate." He was directed by the Assembly "to proceed to Congress so as to join that body on the 20th of March." He gave the Assembly at their next session satisfactory reasons for his neglect of their direction. He did not take his seat in Congress under this appointment.

A glance at the labors and honors of the delegates of the State may not be inappropriate. Committees appointed before May, 1776, continued in charge of the matters referred to them, the members being changed only where the elections of new members made it necessary. Mr. Hopkins retained his place on the Marine and Naval Committee until he left Philadelphia, when Mr. Ellery was put in his place. On the 25th of May, Mr. Hopkins was appointed one of a committee to confer with Generals Washington, Gates, and Mifflin, and "to concert a plan of military operations for the ensuing campaign." A committee was appointed June 12th, "to prepare and digest the form of a confederation to be entered into between these colonies." Mr. Hopkins was one of this committee. On the 12th of July they reported a draft, eighty copies of which were printed for the members, and the strictest secrecy was enjoined as to its contents. On the 15th of June, Mr. Hopkins was appointed one of a committee of three "to take into consideration the State of Georgia." They reported on the 5th of July, the expediency of raising two battalions of troops and the building of four galleys for the

defence of Georgia, which measures were adopted by Congress. The causes of the defeat and miscarriages of the campaign in Canada were referred to a committee of one from each Colony. Mr. Hopkins represented this State on that committee. They reported on the 30th of July, that the short enlistments of the Continental troops, the want of hard money to purchase necessities, and, above all, the prevalence of the small pox among the soldiers, were the efficient causes of the miscarriages referred to. Congress raised a committee of five to consider "what provision ought to be made for such as are wounded or disabled in the land or sea service" of the United States. Their report came before Congress on the 26th of August. Mr. Ellery was one of this committee. He was also placed on the committee on the Treasury, to supply the vacancy caused by the death of Mr. Ward. Mr. Ellery was also appointed as the agent in this State to employ proper persons to purchase blankets and woollen goods fit for soldiers, and to have clothing made up and distributed. Until January, 1777, appeals in prize causes from the decisions of the Admiralty courts of the several colonies were made to Congress, and tried by special committees. This course was abandoned, and on the 30th of January a standing committee of five was appointed to hear and determine such appeals. Mr. Ellery was one of this committee. In February a committee of seven was appointed, including Mr. Ellery, to devise ways and means of sustaining the credit of the Continental currency and of supplying the treasury. These are selected to show that the statements of the delegates in their letters of the amount of labor with which they were charged, were not probably over-stated. At the same time they evince their standing and influence in the Congress of the United States.

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CHAPTER III.

1777 TO MAY, 1778.

STEPHEN HOPKINS, William Ellery and Henry Marchant elected Delegates in April by the Freemen—Commission—Powers of Congress—Articles of Confederation proposed and adopted—Circular to the State Legislatures—Resolutions of the General Assembly respecting—Instructions to the Delegates—Amendments proposed by the States not adopted—Articles of Confederation finally ratified in March, 1781—Honor due to Rhode Island for her views in relation to the Crown lands—Correspondence between the Executive and Delegates—Author's views in regard to the plan of the present work—Sessions of Congress—Review of the labors and honors of the Delegates from Rhode Island.

At the General Assembly held on the first Wednesday in **May**, 1777, it appeared that Stephen Hopkins, William **Ellery**, and Henry Marchant had been elected by the **free-men** at their town meetings in April, delegates to Congress **for** one year, under the act of March, 1777, preceding. **They** received commissions of the following tenor:—

BY THE HONORABLE NICHOLAS COOKE, ESQ., Governor, Captain-General, and Commander-in-Chief of and over the State of Rhode Island and Providence Plantations, to William Ellery, Esq., Greeting:

WHEREAS, By a vote of the freemen of said State, on the first Wednesday in May, inst., you, the said William Ellery, was elected a delegate to represent said State for one year in the General Congress from the thirteen United States of America, now sitting in Philadelphia, or wherever the same may sit.

I do, therefore, in the name of the Governor and company of the said State, hereby authorize, empower and commissionate you, the said William

Ellery, in conjunction with the other delegates that are or may be elected delegates of the said State, or separately and alone, in case of the sickness or other necessary absence of the other delegates of said State, to represent the said State in the said General Congress, and in behalf thereof to join with the delegates from the other states, or the major part of them, in all such measures as shall be thought best for promoting the defence and welfare of the said United States, agreeably to the instructions given, or that may be given you by the General Assembly.

Given under my hand and the Seal of said State, at Providence, this 7th day of May, in the year of our Lord one thousand seven hundred and seventy-seven.

NICHOLAS COOKE.

By his Honor's command, HENRY WARD, Esq.

At a special session in August, the act of March, regulating the appointment of delegates, was amended, and delegates duly elected were authorized to act in Congress until "they have notice of their reelection or until those appointed in their room shall take their seats."

Up to this date, the powers of Congress were such as the several colonies and states had conferred on its members, and such as they had been compelled to assume by force of circumstances. There existed a great dissimilarity in the commissions of the several members, but they all looked to one end, the preservation of the rights and liberties of the colonies, and their independence. No articles of union or federation between the colonies had been adopted. A sense of general danger forced them at first to united action for general safety. This constituted their only bond of union even when they were styling themselves "The United Colonies," and were so styled in public documents. Dr. Franklin proposed the adoption of certain articles of confederation early in the Congress of 1775. The articles proposed by him were never acted upon until all hope of reconciliation with Great Britain had been abandoned. Such a confederation might have been deemed premature. After having assumed the

right of self-government as sovereign states, it became vitally important that the union between them should be placed on a permanent basis, and the terms of that union definitely ascertained and determined. After a declaration of independence had been decided upon, and before a definite form had been given to it and the declaration made public, Congress resumed the consideration of this subject. On the 12th of June, 1776, they appointed a committee to prepare articles of confederation. This committee reported a draft July 12th, which was printed for the use of the members only. On the 22d of July, Congress resolved itself into a committee of the whole, to take into consideration the report of this committee. The committee of the whole reported certain articles as agreed to, on the 20th of August. These were also printed for the use of the members, but were not acted upon until the 8th of April, 1777, nor were they perfected and finally adopted by Congress until the 15th day of November of the same year. To give them validity, they still required the assent of each state. On the 17th of November, Congress adopted the following circular to accompany the Articles of Confederation to the legislature of each state.

IN CONGRESS, YORK-TOWN, November 17, 1777.

Congress having agreed upon a plan of confederacy for securing the freedom, sovereignty and independence of the United States, authentic copies are now transmitted for the consideration of the respective legislatures.

The business, equally intricate and important, has, in its progress, been attended with uncommon embarrassments and delay, which the most anxious solicitude and persevering industry could not prevent. To form a permanent union, accommodated to the opinions and wishes of the delegates of so many States, differing in habits, produce, commerce and internal police, was found to be a work which nothing but time and reflection, conspiring with a disposition to conciliate, could mature and accomplish. Hardly is it to be expected that any plan, in the variety of provisions essential to our union, should exactly correspond with the maxims and political

views of every particular state. Let it be remarked, that after the most careful enquiry and the fullest information, this is proposed, as the best which could be adapted to the circumstances of all, and as that alone which affords any tolerable prospect of general ratification.

Permit us, then, earnestly to recommend these Articles to the immediate and dispassionate attention of the legislatures of the respective states. Let them be carefully reviewed under a sense of the difficulty of combining in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities, under a conviction of the absolute necessity of uniting all our counsels and all our strength, to maintain and defend our common liberties; let them be examined, with a liberality becoming brethren and fellow citizens surrounded by the same imminent dangers, contending for the same illustrious prize, and deeply interested in being forever bound and connected together by ties the most intimate and indissoluble; and finally, let them be adjusted, with the temper and magnanimity of wise and patriotic legislators, who, while they are concerned for the prosperity of their own immediate circle, are capable of rising superior to local attachments when they may be incompatible with the safety, happiness and glory of the general confederacy.

We have reason to regret the time which has elapsed in preparing this plan for consideration, with additional solicitude to that which must be necessarily spent before it can be ratified. Every motive calls upon us to hasten its conclusion. More than any other consideration, it will confound our foreign enemies, defeat the flagitious practices of the disaffected, strengthen and confirm our friends, support our public credit, restore the value of our money, enable us to maintain our fleets and armies, and add a weight and respect to our councils at home and to our treaties abroad.

In short, this salutary measure can no longer be deferred. It seems essential to our very existence as a free people, and without it we may soon be constrained to bid adieu to independence, to liberty and safety, and blessings which, from the justness of our cause, and the favor of an Almighty Creator visibly manifested in our protection, we have reason to expect if, in a humble dependence on His divine providence, we strenuously exert the means which are placed in our power.

To conclude, if the legislature of any State shall not be assembled, Congress recommends to the executive authority to convene it without delay; and to each respective legislature it is recommended to invest its delegates with competent powers, ultimately, in the name and behalf of the State, to subscribe Articles of Confederation and Perpetual Union of the United States; and to attend Congress for that purpose on or before the 10th day of March.

The proposed Articles of Confederation, with the accompanying circular from Congress, were laid before the General Assembly at a special session held on the 19th day of December, 1777; the consideration of the same was postponed to the next session, to convene on the 2d Monday in February, 1778, when the following resolutions on the subject were adopted:—

This Assembly, having taken into consideration the Articles of Confederation and Perpetual Union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, transmitted by Congress to this State; and having had them repeatedly read, and having maturely weighed and most seriously deliberated upon them as their importance to this and to other states, and to posterity, deserves; and considering also the pressing necessity of completing the union, as a measure essential to the preservation of the independence and safety of the said states,—

DO VOTE AND RESOLVE, AND IT IS VOTED AND RESOLVED, That the Honorable Stephen Hopkins, Esq., William Ellery, Esq., and Henry Marchant, Esq., the delegates to represent this State in Congress, or any one of them, be and they are hereby fully authorized and empowered, on the part and behalf of this State, to accede to and sign the said Articles of Confederation and Perpetual Union, in such solemn form and manner as Congress shall think best adapted to a transaction so important to the present and future generations; provided that the same be acceded to by eight of the other states.

And in case any alterations in or additions to the said Articles of Confederation and Perpetual Union shall be made by nine of the said states in Congress assembled, that the said delegates, or any one of them, be and they are hereby authorized and empowered, in like manner to accede to and sign the said Articles of Confederation and Perpetual Union, with the alterations and additions which shall be so made.

IT IS FURTHER VOTED AND RESOLVED, That this Assembly will and do hereby, in behalf of the said State of Rhode Island and Providence Plantations, in the most solemn manner pledge the faith of the said State to hold and consider the acts of the said delegates in so acceding to and signing the said Articles of Confederation and Perpetual Union, as valid and binding upon the said State in all future time.

AND IT IS FURTHER VOTED AND RESOLVED, That a fair copy of this act be made and authenticated under the public seal of this State, with the signature of his Excellency, the Governor, and be transmitted to the said delegates; and that the same shall be sufficient warrant and authority to the said delegates, or any one of them, for the purposes aforesaid.

At the same session, the Assembly gave the following instructions to the delegates of the State:—

INSTRUCTION TO THE HONORABLE STEPHEN HOPKINS, WILLIAM ELLERY, and HENRY MARCHANT, Esqs., delegates from this State in Congress, respecting the proposed Articles of Confederation and Perpetual Union between the thirteen United States:

First. By the Fifth article, no state can be represented by less than two members. As it will be inconvenient and burdensome for the small states to keep in Congress more than two or three members, it may happen from sickness or death, or some other unavoidable accident, that such state may not have more than one member present in Congress, and thereby be deprived of a voice, which may be highly prejudicial; you are therefore instructed to move in Congress for an alteration in that article, so that, in case by sickness, death or any unavoidable accident, but one of the members of a state can attend Congress, such state may be represented in Congress by one member, for such reasonable space of time as shall be agreed upon by Congress, and as ascertained by the Articles of Confederation.

Secondly. Taxes ought to be assessed equally, and nothing will have a greater tendency to induce freemen to submit to heavy taxes than an opinion that they are justly proportioned. And as very material alterations may happen in the abilities of the different states to pay taxes, in the course of a few years, you are instructed to move in Congress the following addition to the article, "that such estimate be taken and made once in every five years, at least."

Thirdly. The King of Great Britain, before the present war, was vested with the property of great quantities of land, and enjoyed large revenues arising from quit-rents within the United States. By commencing and carrying on this unnatural war, with the avowed design of reducing the United States to the most debasing and ignominious servitude, that crown hath justly forfeited such lands and revenues. If the forfeiture take place, it will be in consequence of the exertions of all the United States, by whom the war is supported, consequently all the United States ought to be pro-

portionally benefitted by the forfeiture. But should the several states in which such lands lie and revenues are raised, appropriate them to their separate use, they will at the end of the war, be possessed of great funds to reimburse themselves for their expenses, while those states that are not in that situation, although at a proportionable expense of blood and treasure in receiving such forfeiture, not receiving any benefit therefrom, will be left to struggle with an immense debt ; which is unequal and unjust. The claim of the crown of Great Britain to such lands and revenues was uncontested before the present war, none of the states having formed any pretensions thereto, which is another cogent argument why the forfeiture ought to be vested in all the United States. Omitting many things which your attention to this important subject will suggest to you, it is proper to observe that Congress has promised lands to the army, and that unless they be provided out of such forfeiture, several of the states, and this in particular, will be in a very unhappy predicament. You are therefore instructed to move in Congress, that it be inserted in the Articles of Confederation, that all such lands and revenues forfeited to the United States, to be disposed of and appropriated by Congress for the benefit of the whole Confederacy. It is not meant by this instruction, that Congress should claim the jurisdiction of the forfeited lands, but that the same should remain in the State in which it lies.

Fourthly. Although this Assembly deem the amendments and alterations herein proposed of very great importance, yet the completion of the union is so indispensably necessary, that you are instructed, after having used your utmost influence to procure them to be made, in case they should be rejected, not to decline acceding, on the part of this State, to the Articles of Confederation ; taking care that these proposed amendments and alterations be previously entered upon the records of the Congress, that it may appear they were made before the signing the confederation, and this State intends, hereafter, to renew the motion for them ; this Assembly, trusting that Congress, at some future time, convinced of their utility and justice, will adopt them, and that they will be confirmed by all the states.

IT IS FURTHER VOTED AND RESOLVED, That an exemplification of this act be made and transmitted by the Secretary to the delegates appointed to represent this State in Congress, who are indispensably to observe and follow the said instructions.

So few of the states had instructed their delegates before the 10th day of March, 1778, in relation to the Articles of Confederation, that the subject was not called up on that

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The principal cause of the delay was the crown lands within the charter lines of certain states. Rhode Island, Delaware, New Jersey, and Maryland resisted the claims which were set up, to these lands, by the states in which they were situated. Maryland, on this ground, persisted in her refusal to accede to the Articles of Confederation for more than two years after all the other states had acceded to them.

Justice requires, and truth, that it should not be forgotten in relation to the action of this State, on this subject, that though she sided with Delaware, New Jersey and Maryland, she did not hesitate in adopting the Articles of Confederation because their views were not carried out in them. In her instructions to her delegates, Rhode Island sets forth her views in relation to these crown lands, and enforced them by arguments never successfully answered, yet, at the same time, directed her delegate at once to sign the Articles, trusting to the magnanimity of her sister states, and giving them notice that she had not and would not abandon her right in them. If honor be due to New Jersey, Delaware, and even to Maryland, for the course they pursued, still greater is due to Rhode Island, who led the way.

The action of this State in relation to the Articles of Confederation was quite as prompt as that of many of her sister states. On the 18th day of February, 1778, her delegates were fully empowered to pledge her faith to them. Those Articles, perfected and declared perpetual, that Union between the colonies and the states which Rhode Island had always insisted on as essential to their success. At the same time, they did not trench at all upon the views held forth in her instructions to her delegates, in May, 1776. On the contrary, Article second, declared, that "each state retains its sovereignty, freedom, independence, and every power, jurisdiction and right which is not, by this confederation,

CHAPTER III.

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I do, therefore, in the name of the Governor and company of the said State, hereby authorize, empower and commissionate you, the said William

RHODE ISLAND IN THE CONTINENTAL CONGRESS.

in conjunction with the other delegates that are or may be elected of the said State, or separately and alone, in case of the sickness or necessary absence of the other delegates of said State, to represent said State in the said General Congress, and in behalf thereof to join the delegates from the other states, or the major part of them, in all measures as shall be thought best for promoting the defence and welfare of the said United States, agreeably to the instructions given, or that may be given you by the General Assembly.

Given under my hand and the Seal of said State, at Providence, this 7th day of May, in the year of our Lord one thousand seven hundred and seventy-seven.

NICHOLAS COOKE.

By his Honor's command, HENRY WARD, Esq.

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We have reason to regret the time which has elapsed in preparing this plan for consideration, with additional solicitude to that which must be necessarily spent before it can be ratified. Every motive calls upon us to hasten its conclusion. More than any other consideration, it will confound our foreign enemies, defeat the flagitious practices of the disaffected, strengthen and confirm our friends, support our public credit, restore the value of our money, enable us to maintain our fleets and armies, and add a weight and respect to our councils at home and to our treaties abroad.

In short, this salutary measure can no longer be deferred. It seems essential to our very existence as a free people, and without it we may soon be constrained to bid adieu to independence, to liberty and safety, and blessings which, from the justness of our cause, and the favor of an Almighty Creator visibly manifested in our protection, we have reason to expect if, in a humble dependence on His divine providence, we strenuously exert the means which are placed in our power.

To conclude, if the legislature of any State shall not be assembled, Congress recommends to the executive authority to convene it without delay; and to each respective legislature it is recommended to invest its delegates with competent powers, ultimately, in the name and behalf of the State, to subscribe Articles of Confederation and Perpetual Union of the United States; and to attend Congress for that purpose on or before the 10th day of March.

The proposed Articles of Confederation, with the accompanying circular from Congress, were laid before the General Assembly at a special session held on the 19th day of December, 1777; the consideration of the same was postponed to the next session, to convene on the 2d Monday in February, 1778, when the following resolutions on the subject were adopted :—

This Assembly, having taken into consideration the Articles of Confederation and Perpetual Union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, transmitted by Congress to this State; and having had them repeatedly read, and having maturely weighed and most seriously deliberated upon them as their importance to this and to other states, and to posterity, deserves; and considering also the pressing necessity of completing the union, as a measure essential to the preservation of the independence and safety of the said states,—

DO VOTE AND RESOLVE, AND IT IS VOTED AND RESOLVED, That the Honorable Stephen Hopkins, Esq., William Ellery, Esq., and Henry Marchant, Esq., the delegates to represent this State in Congress, or any one of them, be and they are hereby fully authorized and empowered, on the part and behalf of this State, to accede to and sign the said Articles of Confederation and Perpetual Union, in such solemn form and manner as Congress shall think best adapted to a transaction so important to the present and future generations; provided that the same be acceded to by eight of the other states.

And in case any alterations in or additions to the said Articles of Confederation and Perpetual Union shall be made by nine of the said states in Congress assembled, that the said delegates, or any one of them, be and they are hereby authorized and empowered, in like manner to accede to and sign the said Articles of Confederation and Perpetual Union, with the alterations and additions which shall be so made.

IT IS FURTHER VOTED AND RESOLVED, That this Assembly will and do hereby, in behalf of the said State of Rhode Island and Providence Plantations, in the most solemn manner pledge the faith of the said State to hold and consider the acts of the said delegates in so acceding to and signing the said Articles of Confederation and Perpetual Union, as valid and binding upon the said State in all future time.

AND IT IS FURTHER VOTED AND RESOLVED, That a fair copy of this act be made and authenticated under the public seal of this State, with the signature of his Excellency, the Governor, and be transmitted to the said delegates ; and that the same shall be sufficient warrant and authority to the said delegates, or any one of them, for the purposes aforesaid.

At the same session, the Assembly gave the following instructions to the delegates of the State :—

INSTRUCTION TO THE HONORABLE STEPHEN HOPKINS, WILLIAM ELLERY, and HENRY MARCHANT, Esqs., delegates from this State in Congress, respecting the proposed Articles of Confederation and Perpetual Union between the thirteen United States :

First. By the Fifth article, no state can be represented by less than two members. As it will be inconvenient and burdensome for the small states to keep in Congress more than two or three members, it may happen from sickness or death, or some other unavoidable accident, that such state may not have more than one member present in Congress, and thereby be deprived of a voice, which may be highly prejudicial ; you are therefore instructed to move in Congress for an alteration in that article, so that, in case by sickness, death or any unavoidable accident, but one of the members of a state can attend Congress, such state may be represented in Congress by one member, for such reasonable space of time as shall be agreed upon by Congress, and as ascertained by the Articles of Confederation.

Secondly. Taxes ought to be assessed equally, and nothing will have a greater tendency to induce freemen to submit to heavy taxes than an opinion that they are justly proportioned. And as very material alterations may happen in the abilities of the different states to pay taxes, in the course of a few years, you are instructed to move in Congress the following addition to the article, “ that such estimate be taken and made once in every five years, at least.”

Thirdly. The King of Great Britain, before the present war, was vested with the property of great quantities of land, and enjoyed large revenues arising from quit-rents within the United States. By commencing and carrying on this unnatural war, with the avowed design of reducing the United States to the most debasing and ignominious servitude, that crown hath justly forfeited such lands and revenues. If the forfeiture take place, it will be in consequence of the exertions of all the United States, by whom the war is supported, consequently all the United States ought to be pro-

day in Congress, nor until the 22d day of June. On that day Congress commenced examining the objections proposed by the several states to the Articles of Confederation, and considering the several amendments to the same which had been suggested. Almost every state had some alteration or amendment to propose. These were all negatived, and generally by very decisive majorities. The amendments proposed by this State met with the same fate as those proposed by others. On the one to authorize a state to be represented by one delegate for a definite period, when by sickness or unavoidable accident a second delegate could not be present; and on another declaring that certain crown lands should be deemed the property of the United States and disposed of for the benefit of the confederacy, saving the jurisdiction over the same to the states in which they lie, one state voted in the affirmative and nine in the negative. On the other, requiring the estimates on which the ratio of taxes to be made once in every five years, four states voted in the affirmative and six in the negative.

A committee appointed on the 25th day of June to prepare a form of ratification of the Articles of Confederation, on the following day presented a report. This, with the Articles of Confederation, was ordered to be engrossed on parchment, for the signatures of the delegates. On the 9th of July, 1778, this copy was signed by delegates in behalf of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, and South Carolina. The delegates from North Carolina signed the same on the 21st of July, those of Georgia on the 24th of July, those of New Jersey on the 26th of November, those of Delaware on the 12th of February, 1779, and those of Maryland on the 1st of March, 1781, on which day the ratification was announced and the Articles of Confederation became the Constitution of the United States of America.

The principal cause of the delay was the crown lands within the charter lines of certain states. Rhode Island, Delaware, New Jersey, and Maryland resisted the claims which were set up, to these lands, by the states in which they were situated. Maryland, on this ground, persisted in her refusal to accede to the Articles of Confederation for more than two years after all the other states had acceded to them.

Justice requires, and truth, that it should not be forgotten in relation to the action of this State, on this subject, that though she sided with Delaware, New Jersey and Maryland, she did not hesitate in adopting the Articles of Confederation because their views were not carried out in them. In her instructions to her delegates, Rhode Island sets forth her views in relation to these crown lands, and enforced them by arguments never successfully answered, yet, at the same time, directed her delegate at once to sign the Articles, trusting to the magnanimity of her sister states, and giving them notice that she had not and would not abandon her right in them. If honor be due to New Jersey, Delaware, and even to Maryland, for the course they pursued, still greater is due to Rhode Island, who led the way.

The action of this State in relation to the Articles of Confederation was quite as prompt as that of many of her sister states. On the 18th day of February, 1778, her delegates were fully empowered to pledge her faith to them. Those Articles, perfected and declared perpetual, that Union between the colonies and the states which Rhode Island had always insisted on as essential to their success. At the same time, they did not trench at all upon the views held forth in her instructions to her delegates, in May, 1776. On the contrary, Article second, declared, that "each state retains its sovereignty, freedom, independence, and every power, jurisdiction and right which is not, by this confederation,

expressly delegated to the United States, in Congress assembled." Nor could they be changed in this or in any other particular without the assent of Congress, " afterwards confirmed by the legislature of every state.

It was thought advisable to give the proceedings of Congress and of this and the other states, in relation to the Articles of Confederation, in a continued narrative, rather than to give the several items in it under the states, when they occurred. We now resume our ordinary course.

WILLIAM ELLERY TO GOV. COOKE.

PHILADELPHIA, May 8th, 1777.

SIR : — Enclosed is an extract from a letter written to the Committee of Correspondence by Arthur Lee, Esq., one of the commissioners employed by the Congress, at the Courts of France and Spain. By this extract, the necessity of destroying the British forces on Rhode Island, before they may be reinforced, fully and strongly appears. Boston, it seems, is to be attacked ; which way it is to be attacked, if attacked, is unknown. The distance from Providence to Boston is about forty-six miles, two days' march, only. It hath been and still is my opinion, that if the enemy intend to penetrate into New England, one of their routes will be from the head of our own Bay or near it. If the Assembly should agree with me in this sentiment, no arguments will be wanting to them, to comply with the recommendation of Congress. But should this not be the case, most certainly every possible advantage ought be taken of the divided state of the British army, to crush and destroy it.

In a late New York paper was published an act of Parliament lately passed, for apprehending and imprisoning within the realm of Britain, until January, 1778, all privates and traitors. If I should be able to procure the paper, or a copy of the act, before I close my letter, I will transcribe and transmit it to you. We must retaliate and confine all the prisoners we take. I fancy, before the campaign is out, we shall be able to balance accounts with the enemy. Recruits have come forward from the southward very cleverly of late. I hope recruiting goes on in the eastern states, brisker than it did. The quota of our own State must not be deficient. The common cause and our reputation depend on our activity. The enemy have used and are still using every artifice they can to increase toryism, promote desertion and depreciate continental dollars. Persons are employed in

every state to propagate the first. . Twenty-four dollars is offered for every soldier that will desert, and carry with him his arms, a less sum for a deserter without his arms ; to promote the second, and to depreciate our money, it seems they have counterfeited large sums and dispersed their emissaries to spread their counterfeit dollars through the states. I have seen a thirty dollar counterfeit bill. It was badly executed. We ought to be, we think, as industrious to defeat, as they are to contrive. It is high time to treat tories with proper uniform severity, and to watch strangers and perhaps one another, with a jealous eye. The enemies of our own house are more dangerous than external foes ; but it is my business to inform, not to direct.

I hope the General Assembly will attend, if they should not already have done it, to the letter which I wrote them desiring the earliest information, after the appointment of delegates. Our State is not represented in Congress now, and will not be until I shall have received authentic advice of my being chosen, or another delegate shall have arrived. Therefore, let me intreat that it may be done, that the new delegates may come forward immediately. The circumstances of my family require that I should return as soon as possible, to make some suitable provisions for it, and my long, constant attention in Congress demands relaxation.

Our loss at Danbury turns out less than we imagined, and we have killed more of the enemy ; but we have no certain accounts of either. Everything in the Jerseys, *statu quo*. I congratulate your Honor on the arrival of the field pieces. We shall take the field under greater advantages this than the last campaign. Heartily wishing that the success of it may at last be proportioned to our superior advantages, that we may give our enemies such convincing proof of their folly, injustice and cruelty as may induce them to drop the contest, and thus this be our last campaign.

I am, with great respect,

Your honor's most obedient, humble servant,

WILLIAM ELLERY,

To HIS EXCELLENCY, the GOVERNOR of Rhode Island.

(ENCLOSED.)

BORDEAUX, 20th February, 1777.

Upon my arrival here, in my way to Madrid, I found a letter dated February 2d, from a confidential correspondent, which contains the following passage :

"Ten thousand Germans are already engaged and ships sent to convey them. The number of British cannot exceed 3,000, and those very indifferent ; but

RHODE ISLAND IN THE CONTINENTAL CONGRESS

is expected from their being sent early. Boston is certainly to be
sed in the spring. Burgoyne will command. Howe will probably
against Philadelphia. The Government expects great advantages from
rtions in Pennsylvania."

The foregoing extract is from a letter written to the Com-
ittee on Correspondence by Arthur Lee, Esq., from Bor-
deaux, dated as above.

MESSRS. ELLERY AND MARCHANT TO GENERAL ASSEMBLY.

PHILADELPHIA, June 16th, 1777.

GENTLEMEN:—Congress, sensible of the great distress which our army,
and the inhabitants of these states must be reduced to, the fall and winter
ensuing, for the article of salt, unless timely provision be made, have passed
the resolves inclosed. We doubt not the most fixed and speedy attention
will be paid to them. The last resolve you will be pleased to communicate
to the Continental agent, and request him to communicate to any masters
of vessels fitting out from our State, on the Continental account, (if there
are any such.)

The first volume of the Journals of Congress is printed, and twenty copies
are ordered for each state, but as yet we have no opportunity of sending
them. A general movement of Lord Howe's army to attempt, as was by
most people conceived, this city, hath caused a general alarm through this
state and the state of New Jersey. We have the pleasure to inform you
that the militia in both states turn out with spirit, and, from every infor-
mation Congress hath received, we entertain a hopeful prospect of the event.
The enemy, we doubt not, are without the least hopes of reinforcement of
any consequence this year. That the present appearances may induce the
states of New England, with united efforts and spirits, to extirpate the
vermin, which have too long infested our State, is the most ardent wish of
all. Beyond expression must such an event be to those who feel most for
the honor of New England and the race, and welfare and happiness of that
State we have the honor to represent.
May that event soon coincide with the desires of
Gentlemen, your most obedient, humble servants,
WILLIAM ELLERY,
HENRY MARCHANT.

P. S. — I expect to set out for Providence in a few days.
W. ELLERY

It was on the report of a special committee "on the ways and means of procuring salt," that Congress, on the 13th of June, passed the resolutions referred to in the foregoing letter. They recommended that the states should offer "a liberal encouragement" to persons importing salt. The agents of the United States, in Europe and the West Indies, were directed to "effect the importation of salt by all vessels bound to the United States, on account of the United States." Masters of all vessels bound to the United States were urged to ballast their vessels with salt, and the states were urged to encourage its manufacture.

During the year 1776, this State had taken efficient measures to secure a supply of salt for its inhabitants. In January, they directed the importation of 30,000 bushels on colony account. In September, they directed about 8,000 bushels, imported under the resolution of January, to be divided among the towns. In May preceding, they offered a bounty of three shillings on every bushel which should be manufactured in the State before the first day of November next ensuing. No action was taken on the subject by the General Assembly, in consequence of said resolutions of Congress.

GOVERNOR COOKE TO MESSRS. ELLERY AND MARCHANT.

PROVIDENCE, June 22d, 1777.

GENTLEMEN: — The prodigious expenses of so considerable a body of men as we have here and are obliged to keep up, to defend the country against that front of the enemy who are now in possession of Rhode Island, and the necessary supplies to the other troops stationed in this government, together with the large sums expended upon our Continental battalions, have so far exhausted our treasury, that, unless we obtain assistance from Congress, we shall very soon be Constrained to add a new accession to the floods of paper bills already circulating.

We have now in the treasury only between £20,000 and £30,000, which we suppose will be paid out before it will be possible to receive supplies from Philadelphia. You are fully sensible of the almost irreparable mis-

chiefs that have been occasioned by such large emissions of bills, and of the fatal consequences that will attend further emissions. Indeed, every one is at length convinced of the absolute necessity of lessening their quantity. We therefore direct you to make, immediately, application to Congress for a supply of £60,000, to be paid to the order of this Assembly, or of the council of war, and to use your utmost endeavors to obtain it. Our demands on Congress for such expenditures as are properly Continental charges since our amounts were last forwarded, amount to near that sum. Our accounts we will transmit as soon as possible. Should it be thought proper, an order upon the Continental loan office in this State, will be the most expeditious mode of supply, and will save us the expense and risk of bringing the money from Philadelphia. In this case, it will be necessary to transmit more blank notes to the commissioner, as those he has received are already disposed of.

We are, gentlemen, your most humble servant,

NICHOLAS COOKE.

GOV. COOKE TO MESSRS. ELLERY AND MARCHANT.

PROVIDENCE, June 24th, 1777.

GENTLEMEN : — The Council of War have addressed the sloop *Diamond*, Timothy Coffin, master, to Messrs. Samuel Purviance & Co., merchants in Baltimore, for a load of flour and iron, on account of the State, and have empowered them to draw bills upon you for the amount of the cargo. I give you this information that you may honor them, and am

With great regard, gentlemen,

Your most obedient, humble servant,

NICH. COOKE.

HENRY MARCHANT TO GOV. COOKE.

PHILADELPHIA, June 30th, 1777.

HONORED SIR : — I have nothing to communicate save my wishes that the order of the General Assembly may be duly complied with, which appointed a committee to correspond with their delegates, and to transmit immediately after every session of the General Assembly, abstracts of their proceedings, and a general state of their affairs. I should be glad to know the number of the Continental troops raised, and how many are sent forward, the number of militia in the field, the force and shipping of the enemy.

I could wish that our State may, if possible, early take measures to import, next fall, cloth, linens, hats, and stockings, at least sufficient for

our proportion of Continental troops, and such as we may think necessary to keep in the field, for our own immediate defence. For although Congress take every measure in their power, for clothing the whole ; yet, if we do it ourselves, we shall then have the satisfaction of knowing that our troops are provided for, and we shall have their blessing.

I could wish that our State would see it their interest to fit out one or two State brigs. The expense might most probably be doubly paid to them in one cruise. I cannot think the hazard of losing them ought to discourage the attempt, if they could be got out of the river when fitted. Might they not be ventured out only in a set of ballast, with a few hands, and sent round to Bedford, and fitted out from thence? I venture, sir, the suggestion from an attachment to the honor, interest and happiness of the State. Should they not meet with approbation, I know their candor will excuse. Relying that, upon all occasions I shall unremittingly endeavor to convince them of my zeal for their services, I am

With great truth and sincerity,

Your most obedient, humble servant,

HENRY MARCHANT.

HENRY MARCHANT TO GOV. COOKE.

July 5th, 1777.

GENTLEMEN : — I received a letter from the Honorable William Greene, Esq., speaker of the lower house, signed at the request and in behalf of the General Assembly, (the Governor being absent) of the 22d and 24th of June last, directed to William Ellery and myself, Mr. Ellery having some time before sat out on his return home. Instantly on the same day I received your letter, being the third of this instant, July, I moved Congress for the sum requested, being sixty thousand pounds, (meaning, I presumed, lawful money) or two hundred thousand dollars. Congress were much surprised that so large a sum should be requested so soon after the large sum granted the State of Rhode Island. The gentlemen of the Treasury Board would hardly allow it possible that you should have expended such very considerable in Continental accounts, and moved that the sum of sixty thousand dollars only should be now granted, especially as it was very probable the Continent would soon have occasion for large drafts upon the eastern loan office. If the enemy's movements should be into New England, or up the North river, the latter of which from Gen. Washington's letters that day received, seemed and still appears most probable, I did not fail to state and urge, in the strongest manner I was capable of, the necessity and expediency of this supply ; the absolute necessity you would otherwise be under, of emitting a large sum, the destructive consequences

of which we are all awakened to. I further suggested, what I fully imagine to be the case, that a very great part of this sum would go into the Loan Office by way of discount with the State; that it could not be expected so large a sum would in fact be thrown into that office. After a considerable debate the consideration thereof was submitted to the Treasury Board. I applied there this morning, and enforced my application with every additional argument in my power, and was very happy in obtaining a report agreeable to my wishes, and upon which the inclosed resolves passed Congress. I inclose you also an order from the President in consequence of one of said resolves, on James Clarke, Esq., Commissioner of the Loan Office of the State of Rhode Island, for one hundred and ninety thousand dollars. As by the speaker's letter, your delegates were required to accept of the bills which might be drawn on them by Messrs. Samuel Purviance & Company, for a load of flour, &c., and as you had not directed your delegates when the bills were to be paid, and as I could not tell what sum the bills might amount to, I obtained the other resolve inclosed for the remaining ten thousand dollars, to be advanced your delegates out of the Treasury here. If the bills should not be forwarded to me for acceptance and payment, I can at your request procure an order of Congress for the same, to be paid you out of the Loan Office in our State. Whatever directions I may receive herein I shall endeavor to comply with, and hope what is done may meet with your approbation.

I should be glad that an account of the expenditures on the Continental account, comprehending the account last spring, sent forward, and the whole amount of the sums advanced by the State on Continental accounts, from the first advances, and the whole sums at various times received and placed to Continental credit, might be sent me for my own information; that I might be the better able to state to Congress or the Treasury Board, the propriety of your applications in future.

Such has been the great demand for Loan Office certificates, that the Treasurer has not been able to forward them from Maryland (where he now is) as fast as called for. The Treasury Board are in daily expectations of receiving a large supply, and will immediately send a proper number to the State of Rhode Island. I have the honor to be, gentlemen,

Your most obedient, humble servant,

HENRY MARCHANT.

The resolves inclosed in the foregoing letter are not on file. Their import can be easily imagined.

HENRY MARCHANT TO GOV. COOKE.

PHILADELPHIA, July 13th, 1777.

HONORED SIR : — I wrote the Governor and Company by the last post, and enclosed them an order of Congress, upon the loan office, State of Rhode Island, and for \$190,000, which I hope will come to hand. I now enclose, your Honor, the resolves of the Marine Committee, passed March the 25th, 1777, respecting the contract made by some of the officers of Commodore Hopkins' fleet, when in Delaware river. As the complaints in consequence of that contract have still continued, notwithstanding those resolves were forwarded long ago to the Continental agents, by order of the Marine Committee, I sent a copy of them to the agent, Mr. Tillinghast, by the last post, supposing it possible they might have miscarried before ; and as I never heard of them before I left the State, for that reason I have enclosed them to your Honor.

Our accounts from the northward are very unfavorable, but at the same time so confused, that no certainty can be collected ; yet we are very apprehensive that Ticonderoga is in the hands of the enemy, with all the cannon and stores, if not the garrison. To what causes this misfortune must have arisen, time only can unfold. If the case is so, we are not to despond, but rise with new vigor and manly fortitude. Let New England now show her prowess, her vigilance and her every virtue. Let us rise at once as though called into one soul. Let us meet the enemy, where their ships cannot avail them, upon equal grounds, and by the blessing of Heaven, success, victory, and honor might attend us. Let not the Jersey militia have the only honor of ridding their country of the enemies of mankind, by a united, brave effort. I only wish New England may maintain that character she hath hitherto entitled herself to.

I have the honor to subscribe myself,

Your Honor's most obedient, humble servant,

HENRY MARCHANT.

HENRY MARCHANT TO GOV. COOKE.

PHILADELPHIA, Aug. 5th, 1777.

HONORED SIR : — The large fleet which sailed from New York, and hath since been seen off and on the Capes of Delaware, have not been seen or heard of since last Thursday at sunset. A few there are who still believe they are yet intending an attack upon this city. Some there are who suppose them gone still more southward to Maryland, Virginia, or South Carolina, but the most general opinion is that they have either returned to New York to push up the North river, or have gone to Rhode Island. By

this feint they have drawn our army at too great a distance to give immediate assistance to the Eastern states; besides that, our men must be greatly fatigued by such long marches. Our army is, however, in great spirits, and good health. They are indeed much disappointed in not meeting with Mr. Howe, but will not murmur at making a much longer march than their last, if they can but relieve their brethren and cut off our amphibious enemies from their sea retreat. I hope the New England states have been in such suspicions of the intentions of Mr. Howe, as to have put them upon every necessary measure of opposition.

This I expect will be a trying day to New England. Her own future happiness or misery, and her fame among the nations of the world, depend upon her firmness, fortitude and patriotism at this critical moment. Threatened and invaded on all sides, may she rise with strength and dignity, striking terror and dismay upon the hearts of her enemies, exciting envy even from her friends, and securing thereby glory and honor to herself and race, and happiness to millions yet unborn.

Ticonderoga! I know what the public must expect. I trust their ardor has not been dampened. I hope the conduct of Congress will give spirit and vigor to our arms in the Northern department. Generals Sc——r and Sin——r are ordered to head quarters. General Gates is ordered immediately to repair to the Northern department.

A thorough examination must and will be made; meanwhile our noble exertions may restore our honor and save our country.

The treasury have not yet procured the Loan Office Certificates from Maryland. They expect them in a day or two, when they will be immediately forwarded. I have heard nothing yet of the arrival of your vessel at Maryland for flour, &c. Some few days past, upon an application of one of the Southern states for money, it was moved that a carriage and a guard might be procured at the expense of the states,—and it appeared it had been granted several times. This was somewhat surprising, as the New England states have ever risked their own money and been at the sole expense of conveying it. It was said that charges would be allowed. I therefore advise you of it, that the proper charges may be brought forward in your next account. Before I left the State, a committee was appointed to correspond with your delegates; but I have never had a line from that committee. Perhaps, Sir, there is not a state in the Union that has so little correspondence with its delegates, upon measures which respect the states in general and their own state in particular.

Our advices yesterday received from France are equal to our most sanguine expectations. An immediate publication of them might frustrate our own wishes as well as the efforts of our friends to serve us. By a letter

received yesterday from Martinics, we are justly led soon to expect a war between France and England. Our advices also from France strengthen those expectations. It is agreed by all that if we support ourselves but this year, the day is, by the blessing of Heaven, our own. And we must all agree that the present strength of our enemies in America is nothing to our real strength, if unanimously and vigorously exerted.

With my best wishes for the honor, peace, and happiness of our country and the deliverance of our State from the invasions of our enemies, and the present threatening appearances against it, and for your personal health and long continuance in the affection, esteem and honor of your country,

I am, Honored Sir, your most obedient and humble servant,

HENRY MARCHANT.

P. S. — I submit it to the wisdom of the General Assembly, whether it is not essentially necessary to empower their delegates in Congress to act, until others shall be chosen in their stead, and *take their seats* in Congress, their appointment for the year to the contrary notwithstanding. Mr. Ellery can more fully explain to you the necessity of this measure.

I enclose you certain resolves of Congress, lest you should not otherwise receive them timely, as they require the immediate coöperation of the General Assembly.

The suggestion in the postscript of the foregoing letter was adopted by the General Assembly, at a session in August.

HENRY MARCHANT TO GOV. COOKE.

PHILADELPHIA, August 17th, 1777.

HONORED SIR : — I have done myself the honor of writing frequently to the Governor and Company of the State I have the honor to represent in Congress. The contents of some of those letters I apprehended were of consequence. Yet I have not been so happy as to receive an answer to any one of them. Nor have I had a line from the committee appointed to correspond with their delegates.

Congress this day received the resolutions of the committee of the Eastern states transmitted to them by the Honorable Stephen Hopkins, Esq., President of that committee. Those resolutions have been read but not yet considered. I now, sir, enclose you a resolve of Congress of the 15th instant, requesting you to transmit to Congress accounts of all moneys advanced, and expenses incurred, by prisoners of war, &c. The resolve points out to you the necessity of immediate attention thereto. An expecta-

tion of a general exchange of prisoners soon to take place occasioned that resolve, as without those accounts an exchange cannot well be made. We have no certain account of the fleet since they were seen off Maryland. It is strongly suspected they are gone either to Virginia or South Carolina. The latter is rather in my judgment the place of their destination. Now, then, is the time for New England to exert themselves, by sending forth a formidable body of militia to the Northward, and by making a descent upon Rhode Island. Our State, in sundry instances, has of late done much honor to herself. I hope she will continue on, and, with the assistance of her neighbor sister, will fix her character for fortitude and bravery, to be transmitted as *unequaled*, to the latest posterity.

I have the honor to be, Honored Sir, your's and the State's
Most obedient and humble servant,

HENRY MARCHANT.

HENRY MARCHANT TO GOV. COOKE.

PHILADELPHIA, August 24th, 1777.

HONORED SIR: — I have by no means been unmindful of the unhappy situation of the State of Rhode Island. A very large body of the enemy long since took possession of near a quarter part of that State, and, although the enemy have called off from time to time a great part of their forces there, yet they have gained a possession, aided still by their ships: the force of the State, with the small aid received from our sister states, has not yet enabled us to dislodge the enemy. In the mean time, the whole trade and commerce of the State, as well as the Continental ships, have been blocked up. Taking into consideration that the enemy have seen proper to make this campaign so far to the Southward and Northward as, I am in hopes, will give an opportunity to raise a sufficient force of militia and state battalions to induce our State, joined by Massachusetts and Connecticut, to make an attempt upon Rhode Island, and, in order to give a spring to such a hoped for design, and wishing at least to get our shipping and Continental navy out to sea, I ventured to draw up the enclosed resolutions and present them to Congress. They were by Congress referred to the Marine Committee, and obtaining a favorable report from that board, I finally got them passed by Congress nearly as I had at first drawn them up. If they should be thought by the Navy board for the Eastern Department, and the Council of War of our own State, to have been idle, inexpedient or unadvisable, I shall have but lost my pains, not doubting but they will be candidly considered.

If, on the other hand, they should meet the approbation of the State I

have the honor to represent; I shall feel myself amply rewarded, and should they prove efficacious in delivering our trade and commerce and the Continental navy from its present embarrassments, my every wish will be unspeakably gratified. I thought I could not well answer it to the distressed State of Rhode Island, to remain an idle spectator of the calamities to which it has been reduced, without receiving any Continental aid, while so many thousands have been expended in the particular defence of Delaware Bay and River; not less than ten fire ships, besides several large galleys having been ordered by Congress, exclusive of very great Continental assistance in constructing and raising of batteries, &c. I would by no means, however, wish to see the public moneys expended in our State without a hopeful prospect of its being really beneficial, and I would, therefore, strongly recommend that it be first well considered. I doubt not you will have the same resolves inclosed to you by the President; but I have hitherto made it my duty to transmit you all resolves that respect our State.

I could wish the hints I offered some time past of sending out two armed brigs on a cruise, and to France for clothing, &c., for our soldiery, may be thought worthy of attention; especially if our harbor should be opened.

Just as Congress, as well as Gen. Washington, had concluded Mr. Howe had most certainly sailed for South Carolina, and an expedition was forming for our army, and some of them had begun to move Eastward, an express announced Mr. Howe's appearance with a fleet of two hundred and sixty sail, almost up to the head of Chesapeake Bay. Gen. Washington immediately ordered his army to march this way. The main body of his army this morning passed through this city. From the State House, we had a fair view of them as they passed in their several divisions. The army alone, with their necessary cannon and artillery for each division, exclusive of their baggage wagons, guards, &c., which took another route, were upwards of two hours in passing with a lively, smart step.

I congratulate your honor upon the victory obtained by Gen. Stark, Gen. Herkimer and by Col. Willit. These are happy presages, I hope, of future success. It is just reported that Howe has begun a landing about seven miles below the head of Elk. We have also a report of a skirmish upon Staten Island, terminating to our advantage; but have not the particulars.

With great respect, I am, Honored Sir,

Your most obedient, humble servant,

HENRY MARCHANT.

The resolutions passed by Congress on the 21st of August are probably the ones referred to in this letter. They

authorized the Navy Board to fit out of the Eastern Department six ships or square rigged vessels, at Providence, for fire ships, if the measure should be approved by said board and the Governor and Council of the State of Rhode Island. The object was an attack on the British ships of war then in the bays and rivers of said State; and to raise the blockade of the Continental and other vessels then at Providence, and to open the ports in the State. General Spencer was at this time preparing to attack the British troops on Rhode Island.

HENRY MARCHANT TO GOV. COOKE.

PHILADELPHIA, Sept. 3d, 1777.

HONORED SIR:—In my last, I referred to certain resolves of Congress as enclosed, but through great hurry, fearing the post might leave my letter, the resolves slipped aside, and were not enclosed. This would have given me more uneasiness had I not immediately upon inquiry, found that they were forwarded to the Governor and Company by the President. However, I now enclose them. I sincerely congratulate you, sir, upon the success of our arms to the Northward. A fatal blow is struck to Burgoyne's enterprise. Howe has left him to his fate, and I hope will receive his own at the head of Chesapeake. The tory thermometer will sink below zero, and could there be a generous ardor and love of our country universally diffused; could we but extinguish the present too prevalent grasping, engrossing spirit, we might expect soon, by the blessing of God, to establish the peace and happiness of the states.

That this may be effected is the ardent wish of, Honored Sir,
Your most obedient and very humble servant,

HENRY MARCHANT.

HENRY MARCHANT TO GENERAL ASSEMBLY.

PHILADELPHIA, Sept. 17th, 1777.

GENTLEMEN:—You have doubtless seen the resolution of Congress for paying the interest of the money they borrow by bills of exchange, to be paid in France, or in Continental bills, at the election of the lender. This must give a spring to the Loan Offices, and thereby considerably appreciate the currency. Let this be followed with large taxes, which the country was never so able to bear, and we may fitly establish our credit. In short, rightly considered, every man must see that how great soever the tax he

pays, if proportioned with others, he does not lessen his estate, because what he still has left is of more value than the whole was before, and this will continue to be the case until the quantity of money is reduced to so much as may be necessary for a medium of trade.

Congress have the utmost assurance that these bills of exchange will be punctually paid. The 11th of this month is famous for the battle of Brandywine, a river leading out of Delaware through part of the state of Delaware, and into Maryland. The battle was at Chadsford and Birmingham. It began a little before nine in the morning with a heavy cannonade, which was very distinctly heard in our State House yard, about thirty miles from the place of action. It lasted till dusk; and though we were obliged to leave our enemies masters of the field, yet we may esteem it a victory, as our whole loss did not exceed, in killed, wounded and missing, more than 700. By the best information, from some steady countrymen who lived near the spot, and were obliged by the enemy to help bury their dead, they had 1200 killed, and at least 1500 wounded. They had not dressed all their wounded in three days after the battle, and have remained near the spot ever since.

Gen. Washington marched, in a day or two after, his whole army this side the Schuylkill, saw some reconnoitering parties and, having well refreshed his men, marched again, and was yesterday, by his letter, upon the left flank of the enemy, and not more than five or seven miles from them.

Our army are in high spirits, and wish for a second battle which is hourly expected. We had information yesterday that 4000 of the enemy had landed in the Jerseys; that a large body of militia had collected, and that Gen. McDougall from Peekskill, with 250 men, ordered some time before to march this way, was in the Jerseys; we are in hopes a proper account will be given of the enemy.

Our accounts from the Northward are very favorable. By the blessing of Heaven (and I most sincerely wish we more deserved it) we have reason to expect a happy issue to this campaign. We had intelligence that all the British troops had left Rhode Island. But I doubt it. Congress have requested that, if the fact be true, that one of your State battalions may be forwarded to Peekskill, that we may be able to draw the Continental force from thence as circumstances may require. A requisition of the like kind is gone to Connecticut, and will, I presume, to Massachusetts.

I hope some expedient will be found for getting our vessels out of Providence River, and that one or two State armed vessels will be employed to go to France for arms, blankets and other clothing, ballasted with salt. They may very probably clear the whole adventure by prizes. I have

offered this hint before. I hope my zeal for the good of my country will plead an excuse for these or any other observations I have made, and

I am, with great truth, your most obedient and humble servant,

HENRY MARCHANT.

HENRY MARCHANT TO GOV. COOKE.

YORK, STATE OF PENN., Sept. 30th, 1777.

HONORED SIR: — A Friday morning, Congress left the city of Philadelphia, in consequence of the British army gaining the banks of the Schuyl-kill at a fording place about seventeen miles from the city. They have since possessed themselves of the city. Gen. Washington, from the enemy's movements, expected they were determined to cross over at a considerable distance further up, and indeed that they meant an attack upon Redding, where we had considerable stores. In short, the number of fording places, it seems, rendered it impracticable to hinder their passing. Howe entered the city last Thursday. Gen. Washington is approaching the city. The army is daily reinforcing. Gen. McDougall has joined him with 1500 New England Continentals and 600 Jersey militia. The Virginians are marching down through this town daily, with great spirit. We have still the possession of the river, and have reinforced strongly Fort Island, which defends the *Cheveaux-de-frise*. This, with the floating battery, fire ships and galleys, we are in hopes will be a defence against Howe's fleet, should they attempt to come up; and our army in the rear must cut off all resources from the enemy's army, till it shall be thought expedient to make a general attack. I think they are well disposed of till they are better disposed of.

I congratulate you, sir, upon our success at the Northward, and the general prospect we have of completing a glorious campaign. This is my hope, and this, by the blessing of Heaven, I think, we have the most rational expectation of.

I am, Honored Sir, your most obedient, humble servant,

HENRY MARCHANT.

P. S. — The enclosed letter, handed to me by one of the delegates from South Carolina, I beg your particular care of.

HENRY MARCHANT TO GOVERNOR COOKE.

YORK, Oct. 24th, 1777.

HONORED SIR: — The inclosures will show you how solicitous Congress are to have the Continental battalions filled up and deserters apprehended. The extracts from Gen. Washington's letter discovers his anxiety upon the subject, and that although he has wrote to the states upon the subject, he

has received information but from one or two. I think I have seen that provision has been made by the legislature of the State of Rhode Island, agreeable to the resolution of Congress of 31st of July. I wish the last resolutions also of Congress of the 17th of October, may meet with the speedy attention of the General Assembly, and that Gen. Washington may have notice immediately of what has been done, the names of the persons appointed to recruit soldiers and to apprehend deserters, and that his Excellency may, from time to time, be made acquainted with, or rather have copies sent him of every such act or resolution of the General Assembly or Council of War, as effects military operations or regulations.

A considerable time before we left Philadelphia, I received of the Secretary of Congress twenty volumes of the Journal of Congress and, in hopes of meeting with some opportunity of sending them, I had them packed up in a box; but when we came away I was necessitated to send them over into the Jerseys under the care of a gentleman who removed there. I have now procured twenty other volumes and those I before received are to be replaced in their stead, if no accident happens to them. Mr. President Hancock, being upon his return to New England, has been so kind as to take charge of them, and says he expects soon to be in Providence, and will carry them with him. If he should not, you will be pleased to take some opportunity of obtaining them from him. Congress ordered each state a like number.

I enclose your honor copies of several letters, which will show you the agreeable situation affairs are in here. If the enemy's shipping can be prevented coming up to the city, it must prove fatal, I apprehend, to Howe's army.

It is with peculiar pleasure that I reflect upon the honor which the Rhode Island battalions have acquired to themselves and their State. Their reputation is high. The fort was defended by them alone and to their bravery, under Heaven, and to the sufficiency of the works, is that victory to be attributed.

We, last Sabbath week, had accounts very direct from Albany that Gen. Burgoyne had surrendered himself and his whole army to Gen. Gates, but to this hour Congress has not a word further from that quarter. This raised doubts with us, but before this, if it be true, you are well informed.

I am anxious to hear the success of the expedition upon Rhode Island. May Heaven bless the attempt, grant us deliverance, and crown us with honor, and what is beyond all, give us grateful hearts to improve His blessings.

I have daily expected to see William Ellery. If any accident happens to

prevent his coming, I hope another gentleman will be appointed. Indeed, that was to have been done long since; I informed the House at my first choice, I would by no means be absent more than six months. My affairs at home will not permit it, nor did I prepare myself for a later season, so that I must return next month. By that time, however, I hope we shall have finished the long wished for Confederation, which we have at times been upon ever since I came, but lately taken up with more earnestness. My presence, I presume, may be necessary when this comes before the General Assembly for their approbation, that they may be more particularly acquainted with the subject than they would be from a mere view of the articles of it.

I have the honor to be

Your honor's most obedient and humble servant,

HENRY MARCHANT.

HENRY MARCHANT TO GOV. COOKE.

YORK, Nov. 4th, 1777.

HONORED SIR :—I sincerely congratulate you upon the glorious events at the Northward. I here enclose you the return of the prisoners and the letters printed by order of Congress, showing the situation of our affairs upon the Delaware, written copies whereof I transmitted you in my last. The troops of our State, under the command of Col. Greene, have acquired no little honor. We have just received a report that our people have taken Rhode Island and 1500 prisoners,—but wait for a happy confirmation.

I hear nothing of Mr. Ellery, but I am hourly expecting him. Till I have the honor of seeing you, I remain, honored sir,

Your most obedient and very humble servant,

HENRY MARCHANT.

STATE OF RHODE ISLAND, &c., IN COUNCIL OF WAR.

PROVIDENCE, November 8th, 1777.

GENT. :—It is with extreme concern, that we must acquaint you that it will be impossible for us to supply our Continental Battalion, with the necessary clothing, the ensuing campaign. We have used our utmost endeavors to collect all the clothes, stockings, leather, &c., within the State, suitable for that purpose, which have been sent forward to the army, and fall very short of a sufficient quantity. The length of time since our ports have been entirely shut up, so that we could neither send vessels to sea, nor receive any into port, hath occasioned the little stock of goods which were on hand and those manufactured here, (which is very small,) to be entirely

consumed. The exhausted state of the treasury, occasioned by the daily calls for supporting our militia, a large part of whom have been upon constant duty ever since the enemy took possession of Rhode Island, hath deprived us of the means of purchasing vessels in neighboring ports, and sending them to the Southern states for cargoes suitable to send to France, &c., for purchasing clothing, stores, &c., for our battalion. No staple commodity being raised or to be had in this State, fitting to be sent abroad, hath put it entirely out of our power to furnish ourselves with those articles for the soldiery which the other states, not under similar circumstances, have had and still have opportunities to do. We must therefore rely upon the provision Congress shall make for the clothing of our battalion.

We are under great anxiety for the future subsistence of the army of the New England states, as we cannot hear that there is any person in those states putting up any provisions against the next campaign, and the season is so far advanced that, in a short time, it will be in vain to attempt it.

Excellency JOHN HANCOCK, President of Congress.

HENRY MARCHANT TO GOV. COOKE.

YORKTOWN, PENN., Nov. 14th, 1777.

HONORED SIR:—Mr. Ellery informed me a long time since that he expected to set out in a few days, but as yet I hear nothing of him. I hope, sir, if any accident detains him, the General Assembly will appoint another delegate immediately, as I must very soon be upon my return, and I earnestly wish the State may not be unrepresented. You are sensible, sir, that I expressly declared I could not consent to be absent more than six months at a time, and proper provision was intended to be made to keep up a representation, I observed to you, before then. Under this full expectation, I neither prepared myself for staying the winter here, nor my family and private affairs for so long an absence. I shall, however, stay until I can bring forward the Confederation, an object of great moment, and which is now brought to a very near conclusion. We are very much disappointed in the expedition against Rhode Island. The causes of its failure we are not yet made acquainted with. Reinforcements are advancing from our Northward army to join Gen. Washington, and it is said a considerable fleet have sailed from New York with reinforcements to join Gen. Howe. Nothing material has happened at Philadelphia and the Delaware since my last intelligence to you, save that a floating battery which the enemy had constructed, sunk in a few days after she was on float, and that a 64-gun ship got aground near the Jersey shore, when Gen. Varnum

got down two 12 pounders upon the shore and hit her many times, which caused her to give several signals of distress, but at the tide rising two others came to her relief and got her off.

I have not time to add but that am, honored sir,

Most respectfully your very humble servant,

HENRY MARCHANT.

WILLIAM ELLERY TO GOV. COOKE.

YORK, PENN., Nov. 30th, 1777.

SIR: — Mr. Marchant, before this reaches you, will have informed you of my safe arrival here after a long journey, and of everything material that occurred after his last letter to you. The President hath transmitted to your excellency printed copies of the confederation; any article of which that may need an explanation, Mr. Marchant will explain to the Assembly.

The President hath also sent the recommendatory resolves to the respective states, which have passed since I have been here, which renders it unnecessary for me even to mention the heads of them. I will only observe that in the report recommending a tax of five million dollars to be laid on the United States, our quota was one hundred and twenty thousand dollars, and that upon my representing the circumstances of our State, twenty thousand were taken off, and put upon Massachusetts.

Congress have resolved that an inquiry should be made into the causes of the failure of the Rhode Island expedition, and the conduct of the principal officers concerned in it. The mode for conducting the inquiry is committed, and report will soon be made. Beside the public benefit that may attend this resolution, it will be beneficial to our and the other states who furnished the troops for that expedition; for Congress, by taking this business in hand, have by implication acknowledged that the Continent is to bear the expense of it. The scene of war is so much nearer to Providence than Yorktown is that your Excellency cannot expect that I should give you any news from that quarter. You will, before this gets to hand, have heard of the evacuation of Forts Mifflin and Mercer. The former made a most obstinate defence; the latter was evacuated upon the approach of Lord Cornwallis, with a detachment of about 2000 men from the main body, and a small reinforcement supposed to be from New York, which joined him at Billingsport. Gen. Washington, upon hearing that Lord Cornwallis had crossed the Schuylkill, had ordered Huntingdon brigade to cross the Delaware and join Gen. Varnum, who commanded at Red Bank; and the next day, Gen. Greene with his division, marched with the same design, but they were, it seems, too late.

Gen. Washington wrote Congress that Gen. Varnum had wrote him that we had saved the chief part of the stores in Fort Mercer, and all but the heavy cannon ; and that the Council of War, judging that the Continental fleet could not escape after the fort was evacuated, had ordered it to be, and that it was burned. The express who brought the letters from Gen. Washington, giving the above intelligence, says there was a heavy firing in Jersey last Monday, but that the occasion of it was unknown when he left headquarters. And yesterday it was reported that there had been a battle between Gen. Greene and Cornwallis. Gen. Washington wrote that Gen. Greene would give him battle if he could do it with any probability of success.

By a letter from Gen. Gates, of the 16th instant, the enemy had evacuated Ticonderoga and Mount Independence, carrying off all the stores and brass cannon. They burned all the buildings and sunk the iron cannon in the lake. He writes, too, that the enemy had advanced all their posts on the North river, and that they had retired, or were retiring, from King's bridge.

I hope that our troops may be able to keep the field this winter. The force that Gen. Washington hath with him, aided by the hardy sons of New England, and the militia that might be collected in this quarter and from the Southward, might entirely destroy Mr. Howe's army this winter. In expectation of which glorious event, I continue to be with great respect,

Your Excellency's most obedient, humble servant,

WILLIAM ELLERY.

P. S. — In a lettter from Gen. Washington, of the 26th of November, he writes that he had just received the following extract from a letter, stating that " the Marquis Lafayette, with about 400 militia and the rifle corps, attacked the enemy's picket last evening, killed about twenty, wounded many more, and took about twenty prisoners. The Marquis is charmed with the spirited behavior of the militia and rifle corps. They drove the enemy about half a mile, and kept the ground until dark. The enemy's picket consisted of about three hundred, and were reinforced during the skirmish. The Marquis is determined to be in the way of danger."

By the last letter from France, and by one from the West Indies, it appears that there is a great prospect of hostilities being commenced soon, between France and Spain and Great Britain. I forgot to mention this circumstance in the body of my letter.

W. E.

WILLIAM ELLERY TO GOV. COOKE.

YORKTOWN, PENN., Dec. 14th, 1777.

SIR : — Nothing of importance hath transpired lately respecting our and the enemy's army, but a movement of the latter from Philadelphia, and the circumstances which attended it, an account of which I will do myself the honor to transmit to you in an abstract of Gen. Washington's letter to Congress, of the 10th instant : —

“ On Thursday night, General Howe moved from the city, with all his force excepting a very inconsiderable part left in his lines and redoubts, and appeared the next morning on Chestnut Hill, in front and about three miles distant from our right wing. The Pennsylvania militia were ordered from our right to skirmish with the light advanced parties. Brig. Gen. Irvine, who led them on, had the misfortune to be wounded and to be made prisoner.

“ Nothing more occurred on that day. On Friday night the enemy changed the ground and moved to our left within a mile of our line, where they remained quiet and advantageously posted the whole of the next day. On Sunday, they inclined still further to our left. In their movements, their advanced and flanking parties were warmly attacked by Col. Morgan and his corps, and also by the Maryland militia, under Col. Gist. Their loss I cannot ascertain, but I am informed it was considerable, having regard to the number of the corps who engaged them. About sunset, after various marches and counter marches, they halted. On Monday afternoon they began to move, and instead of advancing filed off from their right, and the first certain account that I could obtain of their intention was that they were in full march toward Philadelphia by two or three routes. I dispatched light parties after them, but they were not able to come up with them. The enemy's loss I cannot ascertain. One account from the city is that five hundred wounded had been sent in. Another is that eighty-two wagons had gone in with men in this situation. These, I fear, are both exaggerated, and not to be depended on. We lost twenty-seven men in Morgan's corps, killed and wounded, besides Major Morris, a brave and gallant officer, who is among the latter of the Maryland militia ; there were also sixteen or seventeen wounded. I have not received further returns yet. I sincerely wish that they had made an attack. The issue, in all probability, from the disposition of our troops, and the strong situation of our camp, would have been fortunate and happy. At the same time, I must add that reason, prudence, and every principle of policy forbade us quitting our post to attack them.”

A few days ago, I was presented with a bill of exchange, drawn by

Timothy Coffin on Messrs. Ellery and Marchant, Continental delegates at Philadelphia, for one thousand and fifty dollars, in favor of Richard Ellis or order; which money I received of the Auditor General, by virtue of a warrant which Mr. Marchant had obtained in July last. The warrant is for ten thousand dollars. Mr. Marchant had received thereof one thousand and I received fifteen hundred and sixty, out of which I paid the before-mentioned bill; the remainder I have taken to my own account and given the State credit for it; so that there is a balance due on said warrant of seven thousand four hundred and forty dollars.

I will take this opportunity to mention that, before I left Congress, I procured an order upon the Treasury for two thousand dollars, to enable me to pay a balance that was due to Messrs. Purviances in Baltimore, on the Diamond's cargo, &c., and to supply my own pocket which was exhausted. When I returned, I waited upon the Assembly several times in order to exhibit my account, but they were so engaged, and the session so short, that I could not find an opportunity to present it. The Assembly may depend upon my exhibiting a faithful account of any moneys I may receive out of the Treasury, for the use of the State, and upon my close attention to its best interest.

Congress have determined upon the mode of inquiry into the causes of the failure of the Rhode Island expedition, and have appointed Gen. Whipple, of New Hampshire; Robert Treat Paine, Esq., of Massachusetts Bay; H. Marchant, Esq., of Rhode Island; Oliver Ellsworth, Esq., of Connecticut, and Egbert Benson, Esq., of New York, Commissioners for that purpose; the time of their meeting to be the first Monday in February, and the place, Providence. The question hath been asked side ways, who is to pay the expense of that expedition; but it hath not yet been seriously asked, and I hope it will not be. If the expedition had succeeded, we should never have heard a word about the expense, and perhaps if the authors of its failure were brought to light, their punishment may appease the resentment of Congress, and obliterate the idea of an enormous useless expense.

We have no late news from France or the West Indies. When anything occurs of consequence, I shall write to your excellency. In the mean time, give me leave to subscribe myself,

With great regard, your excellency's

Most obedient and humble servant,

WILLIAM ELLERY.

December 17th.

Since I wrote the foregoing, Gen. Washington transmitted to Congress a letter from Gen. Heath to him, in which he informed Gen. Washington

that application had been made to him by the officers concerned in the Rhode Island expedition for their pay, and desired to know whether the Continent or the states who furnished the troops were to pay the expense thereof. This brought in the question which I hoped would never have been started, and, after a slight agitation in which I perceived it was the sense of Congress that the Continent ought to bear the expense, it was referred to a committee to examine the journals in this regard, and to report to Congress.

Congress this day received a letter from Gen. Washington, dated near the Gulph Mill, December 14th, of which the following is an abstract : —

“On Thursday morning we marched from our old encampment, and intended to pass the Schuylkill at Madison’s Ford, where a bridge had been laid across the river. When the first and part of the second Division had passed, found a body of 4000, under the command of Lord Cornwallis, possessed of the Heights. Our troops were obliged to repass the bridge, which prevented our getting over until the succeeding night. This manœuvre, on the part of the enemy, was not in consequence of any information they had of our movements ; but was designed to secure the pass while they were foraging in the neighboring country. They were met in their advances by Gen. Potter, with part of the Pennsylvania militia, who behaved with bravery and gave them every opposition, till they were obliged to retreat from their superior numbers. We collected a good deal of forage and retired to the city the night we passed the river. No discrimination marked his proceedings. All property, whether friends or foes, that came in their way was seized and carried off.”

Gen. Washington, it seems, means to go into winter quarters at Wilmington, which I am afraid will be attended with pernicious consequences.

WILLIAM ELLERY.

December 19th.

P. S. — Lieut. Col. Barton, who arrived this day from the army, tells me that our army will hut this winter at Valley Forge, near the Schuylkill, and about twenty miles from Philadelphia.

WILLIAM ELLERY TO GOV. COOKE.

YORKTOWN, PENN., Jan. 4th, 1778.

SIR : — I very lately received a letter from Mr. Marchant, in which he informed me that our State was at so great an expense, and so deeply in debt, that he was afraid we should be obliged to emit more money, or reissue that which will be collected by taxation ; unless a warrant could be

procured from Congress upon the Loan Office for a large sum ; and proposed to me to make an application therefor. If the General Assembly should think proper to give me any directions on this head, I will execute them with the greatest cheerfulness, and not without hopes of success, provided Loan Office certificates can be negotiated, and will answer in payment of our debts. The demands upon the Treasury are at present so great and pressing that all the money now in it, and which may be collected by the Loan Offices for some time to come, will not, I am afraid, satisfy them ; but if Loan Office certificates will answer our purpose, it is my opinion that Congress would grant warrants for them to a considerable amount, rather than we should be obliged to reissue or emit money. In the letter which may be written to me on this subject, they will doubtless place the necessity they are under to make this application in a strong and striking point of light.

The committee which was appointed to examine the Journals of Congress, and report the resolutions which have passed respecting the defence of our State, and recommending an attack on Rhode Island, have not yet reported ; but I cannot entertain any doubt but that Congress will determine the expense of the late inglorious expedition to be Continental when the committee shall have reported. Perhaps it would be best not to apply to Congress for a warrant on the Loan Office till that matter shall be decided, as a great part of the expense, for the defraying of which a warrant may be desired, may have accrued by that expedition.

We have nothing new, either foreign or domestic. As soon as acts shall have passed in pursuance of the late recommendations of Congress, I should be glad to have them transmitted to me.

I am, with great respect, your Excellency's

Most obedient, humble servant,

WILLIAM ELLERY.

GOV. COOKE TO THE PRESIDENT OF CONGRESS.

PROVIDENCE, Jan. 6th, 1778.

SIR : — I had the honor of receiving your Excellency's several favors of the 1st and 28th of November, and 3d of December last, enclosing resolves of Congress, in consequence whereof I convened the General Assembly of this State on the 19th of December, ultimo. The several resolves being laid before them, they appointed Commissioners to meet at New Haven on the 15th of January, inst., agreeably to the recommendation of Congress of 22d November, and have ordered the two battalions of 600 men each, and a regiment of artillery of 300 men, to be raised for the defence of the United States. They adjourned until the second Monday in February next, then

to take into consideration the several matters recommended by Congress, and I have not the least doubt but the General Assembly will readily adopt the measures proposed in said resolves.

The harbor of Newport is filled with the enemy's ships of war, frigates, transports, etc., to the amount of nearly two hundred sail, and we hear that a descent upon the main land is in contemplation by the enemy from Rhode Island.

There still remains unsold about eight hundred of the Continental tickets which were last sent to this State. You will please advise what is to be done with them.

Your most obedient, humble servant,
NICHOLAS COOKE.

WILLIAM ELLERY TO GOV. COOKE.

YORKTOWN, Jan. 14th, 1778.

SIR: — Congress hath lately resolved, for reasons specified in their resolution, to suspend the embarkation of Gen. Burgoyne and the troops under his command, until the convention of Saratoga shall be ratified by the Court of London, and notified to Congress. This circumstance, the arrival in Newport harbor of a number of men of war, some of them of the line, and my fears of our not being able to sustain an attack made by the troops at Rhode Island, joined by marines and seamen from those men of war, have made me anxious for the town of Providence, particularly against which the enemy would, in my opinion, bend their whole force, if they should think there was any probability of success. Impressed with these anxious feelings, I have represented the State of Rhode Island to Congress in such a manner as to procure a resolution recommending it to the states of New Hampshire, Massachusetts Bay, Rhode Island and Connecticut, to immediately furnish and constantly keep up, in the State of Rhode Island, the troops stipulated by the Committee which met at Springfield last July. The President will immediately transmit to you authentic copies of the resolutions hinted at, and also of other resolutions entered into in consequence of Gen. Spencer's letter, whose resignation Congress has accepted. I am suspicious that the enemy will consider the suspension of the embarkation of Gen. Burgoyne and his troops an infraction of the Convention, attempt to rescue those troops, and at the same time pour their resentment on our State. If these should be their ideas, it seems to me that Providence will be their first object. Because when possessed of that town, they might communicate by spies with Burgoyne, a day might be fixed by them for the latter to burst with his troops through the guards, and at the same time the enemy might advance from Providence to meet and receive them. If

the Assembly should not think this chimerical, they will without doubt be on their guard, and make the best preparation they can to repel any attempt that may be made upon our State.

Apprehensions of an attempt of this kind have induced Congress to recommend it to the state of Massachusetts Bay to increase the number of the guards upon Burgoyne's troops, and to the New England states to furnish and keep up their quotas of men in the State of Rhode Island as before mentioned.

The provision made for the payment of troops in that quarter, will prevent any demands upon our treasury in future. I hope that this consideration, the question about the payment of the expense of the late inglorious expedition not being yet decided, will induce our State to put off any application they may have in contemplation to make to Congress, as long as they can.

We have nothing new. Both armies are very quiet. Heartily wishing that everything in our quarter may be so until we shall be ready to make a vigorous effort for the recovery of Rhode Island,

I continue to be, with great respect,

Your Excellency's most obedient, humble servant,

WILLIAM ELLERY.

P. S. — I have not had the honor of a letter from the Assembly since I have been here.

Gov. COOKE TO WILLIAM ELLERY.

STATE OF RHODE ISLAND, }
PROVIDENCE, January 26th, 1778. }

SIR: — Your favors of the 14th ult. and 4th instant, have come to hand. We find that the expense of the late intended expedition against Rhode Island hath been mentioned in Congress, and some doubts have arisen whether the same ought to be Continental. We cannot imagine that the heavy expense which hath arisen from that fruitless attempt will be charged upon the states only which furnished the men and necessary supplies; if that is to be the case, this State is ruined, as the army rendezvoused within it, and were chiefly supplied by us.

The expedition had been long in contemplation before the last attempt was made to carry the same into execution. We received a letter from the honorable President of Congress, dated the 10th of April last, wherein he says: — "In the present situation of the British army, it is much to be wished that an attack could be made upon the enemy in your State, which, whatever success may attend it, would at least cause a diversion of their forces

in New Jersey, if it could be speedily undertaken." A resolve passed the Congress on the same day, recommending the General Assembly of this State to attempt it, with the assistance of Massachusetts Bay and Connecticut. The state of Massachusetts came into the measure, and we appointed a committee to wait upon the Governor and Assembly of Connecticut, who went to Hartford and had a conference with their General Assembly, but the situation of affairs in Connecticut at that time was such that they could not afford us sufficient aid, and the project was laid aside.

In the beginning of September last, Col. Trumbull called upon the Council of War here, with propositions from Gov. Trumbull for undertaking a descent upon Rhode Island. We readily acceded to the proposal, and immediately wrote to the state of Massachusetts Bay, which concurred in the measure. Upon the expedition being agreed upon, we sent to Gen. Spencer, informing him that we would furnish him with everything in our power, in order that the expedition might be terminated with success. And, that nothing might be wanted therein, we furnished the General with upwards 1000 men more than we engaged or expected, and with all the military and hospital stores, teams, and with whatever money and everything else he required. The failure cannot be attributed to us, as you may observe by the enclosed extracts from the Court of Inquiry. The causes we shall not pretend to point out. The letters which we received from Mr. Marchant, our delegate at Congress, frequently mentioned that an attempt upon Rhode Island would be attended with good consequences, and we were stimulated to engage in the undertaking by the recommendation we had received from Congress, and from motives of promoting the general good of the United States, and had the expedition been attended with success, as there was good reason then to have imagined, it would have been of signal service. We cannot, we will not entertain a doubt but what Congress will make the same a Continental expense; for, if it is not, it will at once prevent any state from exerting itself in the common cause. Our treasury is so far exhausted, that, notwithstanding this little State hath taxed itself £96,000 the year past, we have been obliged to borrow £10,000, part of the last tax assessed, which was to have been burnt, in order to furnish the officers with recruiting money. We expect to replace the sum, when we can get money from the Continental treasury. We are making out our account against the Continent, and expect to complete it and forward it soon. In the interim,

I am, sir, in behalf of the Council of War,

Your most obedient, humble servant,

NICHOLAS COOKE.

WILLIAM ELLERY TO GOV. COOKE.

YORKTOWN, March 1st, 1778.

SIR : — The reason why I have not wrote to you for some time past is, because nothing particular respecting either our State or the army hath taken place ; and the general resolves of Congress are printed in newspapers or transmitted by the President.

France still pursues her old equivocal line of conduct. Sometimes with a peremptory tone she orders our trade from her ports, at another she connives at, and even countenances our armed and commercial vessels. She is entirely governed by the principles of policy and interest. She says she ought not to declare herself until she is led to it by an open rupture with the English, of which we shall soon be the pretext or the subject ; that we shall obtain her alliance by continuing to solicit her secret friendship and her succor, until we convince her that no extremity is capable of making us renounce that Independence we have adopted, and by contenting ourselves with an assistance as underhanded as it is efficacious, and thereby leaving the English to retard the alliance of France with us, by their pretending not to see what they endure, or to hasten the period by hostilities which France is determined to repel vigorously.

This is the language of France, from which it seems that we must fight our own battles, unless Britain should come to an open rupture with France, which I think is not much to be expected. To enable us to fight them successfully it is indispensably necessary that our Continental battalions should be filled as soon as possible. By a resolution of Congress on this subject, which you will receive by the express who carries this, you will see that we are to complete only *one* of our battalions, the *two*, considering our circumstances, having been reduced to *one*.

The number of recruits that we shall have to raise, as by the return, is eight sergeants, nineteen corporals, and one hundred and thirty-nine privates, which I hope will be collected at the place of rendezvous early in the spring. I am informed that Col. Greene is gone to our State to raise a regiment of blacks. I wish that he may not be encouraged to recruit until our Continental battalions and State battalion shall be completed, and the enemy be removed from the State. It appears to me very inconsistent that we should be required to fill up only *one* battalion, on account of our exposed, perilous situation, and that recruiting for another purpose than for our defence should go on. The late resolution of Congress authorizing and requesting the Executive Council of Massachusetts to remove and separate Gen. Burgoyne's troops, and place them in such parts of the state as might be thought proper, and the information I have received, that a number of the

militia from thence and Connecticut have arrived in our State, have in some measure relieved me from the anxiety I have long endured ; but still so long as the enemy's troops continue on Rhode Island, and their fleet in the bay, nothing but a force sufficient to awe them can secure our long extended shores from ravage and devastation. In my opinion, we have not a man of any color to spare. Our towns, our shores, our fields, require every hand to defend and cultivate them.

We are about obstructing and fortifying Hudson's river, to secure our communication between the Southern and the Northern states ; altering the system of the Commissariats and the Quartermaster, which, with the clothier department, have been most miserably executed the last campaign ; calling public officers to an account, and taking every method we can devise to fill up and supply our army, and correct abuses. I hope they will prove efficacious ; but so great, alas, is the corruption and avarice of the people, that it is extremely difficult to find persons to fill the public offices who will by their honest exertions give efficacy to public measures.

Congress has directed Gen. Washington to send a proper Major General to fill the place of Gen. Spencer. It is not yet determined who is to pay the expense of the Rhode Island expedition. I have not urged a determination ; because Massachusetts hath been a long time and is still unrepresented, one of her members being of a committee now at Headquarters. There are so many and such large demands on the treasury for supplying the great departments of the army, that an application for a considerable sum would be ineffectual. I opposed the last warrant being issued on our Loan Office, but in vain. So soon as these departments shall be supplied, our State may have a chance. If the Assembly should think proper, they can send forward an abstract of their accounts against the United States, with directions to their delegates to apply when a good time shall present. If Loan Office certificates could answer, it would mightily facilitate a grant.

Some of the citizens of this State having been lately kidnapped and carried into Philadelphia, Congress has resolved that all offenders taken within seventy miles of the main army, or any detachment or post, under the command of a General, shall be tried by a court martial and suffer the pains of death.

A certain Northern expedition is, for good reasons, laid aside. Several vessels have lately arrived at the Southward from the West Indies, with cloths, blankets, tents, etc. Those from Martinico were conveyed clear off the islands by a French frigate. Some loads of salt have also arrived ; but still that article is scarce. Could not this article be made in Charlestown and Westerly, in great abundance ? And may it not be advisable to encourage this necessary manufacture ?

By the Fifth Article of Confederation, no state shall be represented by less than two members, I submit whether it will not be advisable to choose four or five at the next election, and keep them upon the spot, that the State may be always represented. If only two should be present, one may fall sick, and the State for a considerable time be unrepresented, to its great detriment. I expect soon to see a colleague with orders for a ratification of the Confederation.

Most sincerely praying for the perpetual establishment of the sovereignty, freedom, and independence of the United States of America, and particularly for the deliverance of the distressed State of Rhode Island and Providence Plantations from her enemies, I have the honor to be, with the highest respect,

Your Excellency's most obedient, humble servant,

WILLIAM ELLERY.

P. S. — Two hundred and eighty-six dwelling houses, and a number of stores in Charleston, South Carolina, have lately been destroyed by fire.

The resolution last hinted at, and another desiring the several states to send forward their accounts of supplies to prisoners, &c., I see are in the paper which I now inclose. I find that I have made a mistake in the number of sergeants and corporals wanted to complete our battalion. The number I have mentioned is the number wanting to complete two battalions.

GOV. COOKE TO WILLIAM ELLERY.

PROVIDENCE, April 3d, 1778.

SIR: — This will be handed you by John Collins, Esq., enclosing an act of the General Assembly empowering you alone, in behalf of this State, to accede to and ratify the Articles of Confederation. Mr. Collins is appointed by the General Assembly to wait on Congress with the accounts of this State, and is empowered, in behalf of the State, to adjust and liquidate the same and to receive and bring forward with him the balance due thereon; I must therefore request that you would use your utmost influence to assist him in obtaining a grant for the balance due to the State, as our treasury is now entirely exhausted, and we have no other means left to supply the same.

I would also inform you that the State has fitted the sloop Diamond, whereof Nathaniel Coddington is master, and ordered him to proceed to some port of Maryland, Virginia, or North Carolina, to purchase a load of provisions for the use of the State, and has given the captain a letter of credit to take up at either of those places money sufficient to purchase his

cargo, and has empowered him to draw bills on you for the amount of the moneys he may receive in that behalf, and doubt not but that you will honor our draft. As Mr. Marchant retained in the hands of the Continental treasurer ten thousand dollars, part of the two hundred thousand dollars he received some time past for account of this State, which full sum is credited the Continent in the account sent forward by Capt. Collins, as money then received, which ten thousand dollars was retained on account of purchasing a cargo for this same vessel, but was not made use of. You will therefore be able to pay due honor to Capt. Coddington's draft, whenever it is presented. I am, sir,

Your Honor's most obedient, humble servant,

NICHOLAS COOKE.

WILLIAM ELLERY TO GOV. COOKE.

YORKTOWN, April 5th, 1778.

SIR:— Since my last, nothing hath occurred at home, and by the unfortunate shipwreck of Capt. Weeks, and the robbery of the dispatches committed to the care of Capt. Folger, we have been disappointed of the intelligence expected from France. We have received no advices from our Commissioners since last May, so that I have nothing new to communicate from that quarter which can be depended on. The indirect news published in the inclosed newspaper from Martinico, came from a good hand, and deserves as much credit as any account that does not proceed immediately from the fountain.

A number of ships lately arrived at Philadelphia, it is said, with soldiers from New York, and we have a report from the Eastward that the troops at Rhode Island were embarking to reinforce Gen. Howe, with a view to enable him to make an efficient attack upon our encampment, before the recruits from the several states shall have joined the main army. It is of the utmost importance that the states should fill up their battalions and send them forward immediately. I find that my information respecting the negro regiment was not good. Since I had the honor of writing to you, one of the committee from camp hath informed me that it was not the intention that we should have two battalions in the field, that the surplusage of our recruits, above the number necessary to complete our one battalion, was to remain in the State, so long as it should continue to be invaded.

Inoculation is carried on in camp with such great success that recruits may come forward without any reluctance. Out of 3600, which were lately inoculated at Valley Forge, eleven only died of the small pox.

Important questions are on the carpet, whether an establishment at half pay for life or term of years shall be allowed to military commissioned

officers, who shall continue in service to the end of the war; whether any provision shall be made for the widows of those officers who have fallen or shall fall in battle; and whether some allowance shall be made to such soldiers as enlist during the war, and shall continue in the service until the end of the war. The first is the great question; a question of such magnitude in my opinion that I am one of those who think it ought to be referred to the consideration of the states. At present it is postponed at large; when it shall be resumed it will be moved that it should be so referred, but whether the motion will meet with success or not is uncertain. I could wish to be instructed by my constituents how to give my voice, especially on the capital question, and will beg leave to expect it. If I should be called upon before I receive the instructions I wish, and shall expect, to give my vote, I shall do it as shall appear to me to be right, and if I should not agree in judgment with my constituents, I hope I shall not be censured.

Congress have recommended it to the states to transmit as early as possible, such acts as they have passed in pursuance of resolutions of Congress, since the first, I think it is, of November last. I wish that our State may attend to the recommendation. I have not received any authentic information of what hath passed our Assembly for a long time, and what I have heretofore received were such abridgements of acts, as were of but little use.

The circumstances of my family are such as to necessitate my return home immediately after the election. I hope, therefore, that the Assembly will order on to Congress the delegate who may be chosen, immediately. By a private letter I am informed that your Excellency means to resign. I am sorry, for it behoves at this time, especially, that sound patriots should fill the several offices in government. Whether you continue in or go out of office, I shall always entertain a high regard for your Excellency, on account of that sound, steady patriotism which you have discovered and preserved during your administration, and am, with the greatest respect,

Your Excellency's most obedient, humble servant,

WILLIAM ELLERY.

P. S. — Please excuse interlinations and incorrectness; I have not time to copy.

WILLIAM ELLERY TO GOV. COOKE.

YORKTOWN, April 25th, 1778.

SIR : — Mr. Collins arrived here last Saturday with emaciated horses, after having passed through a very deep and difficult road. Your letter to the President of Congress and the State accounts are referred to the treas-

ury board, who will soon report thereon to Congress. We should urge this matter on; but it will be impossible for Mr. Collins to proceed with his horses without being recruited, and the longer he stays here, the more money he will probably receive.

I could wish that the Assembly, in their letter, had mentioned what part of the balance it would have suited them to receive in Load Office certificates. I, however, shall do what I think will be agreeable to my constituents. The Confederation is not yet taken up; if it should be before I return, I will pay a religious regard to your instructions. I observe that the State has fitted out a vessel to purchase a load of provision at Maryland, Virginia, or North Carolina. If she had been dispatched in the winter, it would have been better. The navigation then was less hazardous, and provisions much cheaper than at present. I wish her a prosperous voyage and will honor the bills that the captain of her may draw upon me on account of the State. In a letter I wrote to the Assembly some time past, I informed them that I had paid out of the ten thousand dollars which Mr. Marchant had retained of the two hundred thousand, a bill of exchange, drawn by Timothy Coffin, late master of the Diamond, on Mr. Marchant and myself, in favor of Richard Ellis, and endorsed to Reuben Hussey or order; of which, as no notice hath been taken in any letter I have received from government, I am afraid my letter miscarried.

Mr. Collins informs me that the delegates which will be chosen at the ensuing election will not set out until some time in June. I should be loth to leave Congress, the State unrepresented, but my health, and the unhappy situation of my family, require that I should be at home as soon as possible. Wherefore let me entreat you to send forward two of the delegates at least immediately after the choice.

This will be accompanied by a late speech of Lord North, the draught of two bills, and the remarks of Congress on the latter. The design of this ministerial manœuvre is obvious. We have nothing new.

I continue to be, with great respect, your Excellency's

Most obedient and most humble servant,

WILLIAM ELLERY.

P. S. — Since I wrote the foregoing, I have seen a printed hand bill of the two drafts contained in the newspapers, with a certificate of Gov. Gen. Tryon, a copy of which certificate I now inclose.

WILLIAM ELLERY TO GOV. COOKE.

YORKTOWN, May 3d, 1778.

SIR: — I take the earliest opportunity to inform your Excellency that a messenger arrived here yesterday afternoon from France, with dispatches

containing, among other things, a copy of the Treaties of Alliance and of Amity and Commerce, entered into between the Court of France and our Commissioners, which will, without doubt, be ratified by Congress. The former hath the protection and support of the independence of these states for its basis, and the latter is founded on perfect equality and reciprocity. If war should be commenced by Great Britain against France, it is to be made a common cause. The independency of the states is to be supported. If any particular enterprise should be undertaken, we are to join and act in concert. No truce to be made without the consent of each, unless our independency is absolutely acknowledged. France guarantees our independency and all we possess or shall possess at the conclusion of the war, and we guarantee to France her possessions, and the admission of other nations to equal advantages of commerce.

These are imperfect minutes of some of the principal heads of the treaties, as I took them last evening at the table while they were reading. Hereafter, when the treaties shall be ratified, copies of them shall be sent to the several states.

The letters from the Commissioners show a good disposition in the powers of Europe toward us. Prussia shows a disposition to share in our commerce, but will not open her ports to our privateers until some arrangement of independency shall be made. The ambassador of the Duke of Tuscany has given our Commissioners favorable expectations from his Court. Portugal will accede to the family compact. The House of Bourbon, and all the powers of Europe, will soon acknowledge our independency. We are desired to forget any animosities we may formerly have entertained against France, and to cultivate a friendship for her. These minutes were made as the others were, and must of course be very imperfect also.

The treaties of alliance, &c., were signed the 6th of February, and display a spirit of magnanimity and a soundness of policy scarcely to be paralleled. Instead of pursuing that narrow policy which regards only the present moment and present interest, and nobly disdaining to take advantage of our situation, France hath, with a small variation, acceded to our proposals, thereby doubtless intending to bind us to them by the indissoluble ties of affection and gratitude.

It is reported that Gen. Amhurst and Admiral Keppel are arrived at Philadelphia; but by an officer whom I saw this morning, and who came directly from camp, it seems to be only a report. Commissioners are daily expected from Britain with proposals for a reconciliation. Congress will abide by their independency at all events, and I have no doubt but that it will be acknowledged this campaign, even by Britain herself, provided we bring into the field a respectable army. She is reduced to the greatest straits.

From Germany she cannot collect recruits for their stipulated troops. From her own island but few can be drawn. Her credit is sunk in Holland, and her stocks are fallen. France has a large body of troops in Normandy and Bretagne,—her navy in good preparation and is determined to protect her commerce to America. She waits only for Britain to strike the first blow. Rather than to do it, it is my humble opinion that if our people will only step forth this campaign, as I have said before, she will acknowledge our independency and be contented with that part of our commerce which it may suit us to give her.

Mr. Collins will set off in a day or two. He will take with him \$150,000, and a warrant on our Loan Office for the same. I am afraid you will be disappointed, but it was not obtained without difficulty. Unless commissioners shall be appointed to settle our accounts before you make another demand, and they are adjusted, or you should send your auditor with the vouchers for every article, and direct him to tarry until the same shall be liquidated, I am afraid any application will be fruitless.

Permit me to desire that two of the delegates, if they should not have come on before this reaches you, may be sent forward immediately, for my health and the situation of my family, oblige me to quit Yorktown.

I continue to be, with great respect,

Your Excellency's very humble servant,

WILLIAM ELLERY.

It has not seemed necessary to add notes of reference or explanation to the foregoing correspondence. It was not proposed to write a history of the Revolutionary war, or of the State, or of the United States. To any one acquainted with the general history of the State during this year, such notes of explanation would be unnecessary, the whole correspondence being in itself notes to that general history, embracing details too minute for a general historian, and abounding with the hopes and fears of actors in the great drama then progressing. Such notes have been added when the legislation of the State or of Congress required, except in cases where the necessary explanation is to be found either in the answer to the letter referring to it, or in some subsequent one from the same writer. This course will be pursued in relation to the correspondence which took place in later years.

Congress, in May, 1777, was in session in the city of Philadelphia, and there remained until September 18th, when the approach of the British army obliged it to remove. On the 14th of that month, Congress came to the resolution that in case of a removal from Philadelphia, it should be to Lancaster. After the adjournment on the 18th, a letter from Col. Hamilton, one of the aids of Gen. Washington, intimated the necessity of an immediate removal. Upon this suggestion, the members left Philadelphia and repaired to Lancaster. Congress met there on the 27th, and resolved upon an adjournment to York, Penn., there to meet on the 30th of September. In this place the session was continued until June 27th, when, in pursuance of a vote passed June 24th, an adjournment was had to July 2d, then to meet in Philadelphia. John Hancock resigned the office of President of Congress, October 29th, 1777, after having held the office two years and five months. Henry Laurens, a delegate from South Carolina, was elected his successor November first.

Of the three delegates elected in May, 1777, only two, William Ellery and Henry Marchant, took their seats in Congress. They presented their certificates of election May 31st. Mr. Ellery, however, was present before that time, having been elected the year previous. He returned to Rhode Island soon after May 31st, and resumed his seat again November 17th, and on the same day Mr. Marchant obtained leave of absence.

On the third of June, Mr. Marchant was chosen one of a special committee of three, to devise ways and means to supply the United States with salt; on the 5th, he was placed on the Marine Committee, and on the 10th he was chosen one of a special committee of three to enquire whether persons entrusted with public money ought not to be required to give bonds for the faithful performance of the trust con-

fided to them. Congress adopted the flag of the United States on the 14th of the same month. A new Committee on Appeals in prize causes was appointed October 15th, to consist of three members, one of whom was Mr. Marchant. He was also a member of the committee appointed November 11th, to consider the applications of certain French officers for compensation for services.

After Mr. Marchant left Congress, Mr. Ellery was substituted in his place on the Marine Committee, and also on the Committee on Appeals in prize causes. Certain intercepted letters from Owen Jones, Jr., to certain persons in Lancaster were, on the 8th of December, referred to a committee of three, of whom Mr. Ellery was one. On the same day he was appointed on a committee raised to take into consideration certain portions of the country in the neighborhood of the American army, with a view to further the subsistence of that army, and distressing that of the enemy. The failure of the expedition under Gen. Spencer, against the enemy on Rhode Island, excited much inquiry at the time, and gave rise to much dissatisfaction. Congress raised a committee of inquiry on the subject, placed Mr. Marchant upon it, and directed them to meet at Providence. On the same day Mr. Ellery was appointed one of a committee of three, to inquire whether pay and rations should be supplied to officers who had been taken prisoners and released on parole. On the 21st of December he with two others were added to the Committee on Commerce. On the 15th a committee of five was appointed to make inquiry into the origin of Gen. Spencer's expedition to Rhode Island, one of whom was Mr. Ellery. It will be remembered that in the correspondence before given between the executive and delegates of this State, that some of the members of Congress were inclined to make this State the origin of that expedition, and so subject to pay the expenses of it. Congress, however, assumed

the expenses. On the 26th day of December, Congress added three members to the committee before appointed to inquire into the causes that led to the evacuation of Ticonderoga and Mount Independence, of whom Mr. Ellery was one. The pressing wants of the army were referred to a committee of three, of whom Mr. Ellery was one, on the 23d of January, 1778. He was also one of a committee of three to whom the report of the committee on Indian affairs was referred. On the 4th of February that part of a report of the board of war empowering the board of war and ordnance to contract for casting brass cannon, was referred to a committee of four on the 17th; a letter from Gen. Washington, with sundry letters that had passed between him and Gen. Howe, was referred to a committee of three; on the 16th, a letter from the committee of Congress at camp, so far as it related to the prisoners at Boston, part of Burgoyne's army, was referred to a committee of three, to confer also with the board of war; on the 28th a report of the board of war was referred to a committee of four; on the 6th of March, so much of Gen. Washington's letter of the 27th of February as related to the court marshal on the officers in the Northern Department, and on the 19th two letters from Gen. Lafayette were referred to committees. Mr. Ellery was on each of these committees.

Reports on most of these subjects are referred to in the Journals of Congress, but in most cases the Journals contain little more than a mere notice of the commitment, and the reports and resolutions of Congress that followed. No reference to the debates which ensue are there to be found, nor in many cases any record of the votes of the members; nor can these deficiencies be supplied by reference to the newspapers of the day, or from any other available source. The above items have been selected to show that the delegate of this State, whoever he was, had to share the burdens and labors as well as the honors resulting from his station.

CHAPTER IV.

1778 TO MAY, 1779.

STEPHEN HOPKINS, William Ellery, Henry Marchant and John Collins elected Delegates at the General Election in May—Commissions—Governor Cooke and Deputy Governor Bradford decline a reelection—Succeeded by William Greene and Jabez Bowen—Resolutions of the General Assembly—Attendance of the Delegates on Congress—General Sullivan's attempt to dislodge the British from the island of Rhode Island—Count D'Estaing—Capture of the Pigot by Major Talbot—Correspondence between the Executive and the Delegates—Summary of the Acts of Congress—Review of the labors and honors of the Delegates from Rhode Island.

At the general election in May, Stephen Hopkins, William Ellery, Henry Marchant and John Collins were elected delegates to Congress. Their commissions were as follows :—

Whereas the following form of a commission to be issued to the delegates appointed to represent this State in Congress, was laid before this Assembly, viz. :—

BY HIS EXCELLENCY WILLIAM GREENE, ESQ., Governor, Captain General, and Commander-in-Chief of and over the State of Rhode Island and Providence Plantations,

To ———, Esquire,

Greeting :

WHEREAS, By the free vote of the freemen of said State, on the first Wednesday in May inst., you the said ——— was elected a delegate to represent the said State for one year in the General Congress of delegates from the thirteen United States of America, now sitting at Yorktown, in the State of Pennsylvania, or wherever the same may set, I do, therefore, in the name of the Governor and Company of said State, authorize, empower and commissionate you, the said ———, in

conjunction with the other delegates that are or may be elected delegates of the said State, or separate and alone, in case of the sickness or necessary absence of the other delegates of the said State in the said General Congress, and in behalf thereof to join with the delegates from the other states or major part of them, in all such measures as shall be thought best for defending and promoting the welfare of the said United States, agreeably to the instructions given, or to be given you, by the General Assembly. This commission, so far as it empowers you to act separately and alone, is to continue good in that respect, unless it shall be provided by the Articles of Confederation, that no state shall be represented by less than two delegates, in which case, any two of the said delegates, if no more than three are present, or otherwise the major part of those present, are empowered to execute this commission, which is also to be understood to continue in force until you are superseded and another delegate shall appear to take your place.

Given under my hand and the seal of the said State, at Providence, this — day of —, in the year of our Lord one thousand seven hundred and seventy-eight.

By his Excellency's command, ———, Governor.

———, Secretary.

Which being duly considered, It is VOTED AND RESOLVED, That the aforesaid draft be, and the same is hereby approved, and that his Excellency the Governor, be requested to issue a commission under the public seal of the State, to each of the delegates appointed to represent this State in the most honorable the Congress of the thirteen United States of America, agreeably to the aforementioned form, and that the same be countersigned by the Secretary.

At this election, Gov. Cooke and Deputy Governor William Bradford declined a reelection, and were succeeded by William Greene, of Warwick, as Governor, and Jabez Bowen, as Deputy Governor. Gov. Cooke had held his office from October, 1776, after the office had been declared vacant on account of the tory opinions and conduct of Gov. Wanton. Deputy Gov. Bradford received his first appointment at the same time. On leaving their offices in May, 1778, the Assembly passed the following resolution:—

His Excellency Nicholas Cooke, Esq., late Governor, and his Honor William Bradford, Esq., late Deputy Governor of this State, having entered upon their said offices at a time of great public danger, difficulty and distress, and discharged the duties of their stations with patriotic zeal, firmness and intrepidity,

IT IS VOTED AND RESOLVED, That the thanks of this Assembly be given them, in behalf of this State, for their aforesaid services, and that the Secretary deliver a copy hereof to each of them.

A compliment that was well deserved.

At the time of the election in May, 1778, Mr. Ellery was present in Congress. On the 8th of June, Mr. Marchant took his seat and produced the credentials of all the delegates. Mr. Ellery obtained leave of absence on the 9th of July, but remained until the 23d. He did not again resume his seat until the 11th of November. From the last date, to the close of his term, he was in attendance on Congress. Mr. Marchant had leave of absence November 15th, and did not return during his term of office. Mr. Collins took his seat in Congress on the 20th of June, and remained until July 29th, when he obtained leave of absence and did not return until November 3d, after which he remained in Congress till the close of his term.

The British army took possession of the island of Rhode Island in December, 1776, and held it until October 25th, 1779. Allusion has already been made to the unsuccessful attempt to dislodge them, in 1777. Another attempt was made under Gen. Sullivan, in August, 1778, which was also unsuccessful. The failure of this expedition was, at the time, attributed to the sailing of the French fleet from before Newport to Boston. Gen. Lafayette went from the headquarters of Gen. Sullivan to Boston, to induce Count D'Estaing to return with his fleet. He did not succeed in his effort. Gen. Sullivan withdrew from the island after a severe battle, "the best fought of the war," according to a

remark of Gen. Lafayette; The departure of the French fleet was the subject of deep feeling at the time, but it was generally thought "politic to be delicate upon that point." Congress, upon a letter from Count D'Estaing, resolved, "That his Excellency Count D'Estaing hath behaved as a brave and wise officer, and that his Excellency and the officers and men under his command, have rendered every benefit to these states, which the circumstances and nature of the service would admit of, and are fully entitled to the regards of the friends of America."

RESOLVED, That the President transmit the foregoing resolution to his Excellency, the Count D'Estaing, and inform him that Congress entertains the highest sense of his zeal and attachment, manifested in repeated instances, and particularly in his spirited offer to lead the troops under his command from Boston and to coöperate against Rhode Island."

Possibly, policy had a hand in drafting these resolutions. Justice drafted the following, which were passed September 9th, 1778 :—

RESOLVED, That the retreat made by Major General Sullivan, with the troops under his command, from Rhode Island, was prudent, timely and well conducted, and that Congress highly approve of the same.

RESOLVED, That the thanks of Congress be given to Major General Sullivan, and to the officers and troops under his command, for their fortitude and bravery displayed in the action of August 29th, in which they repulsed the British forces and maintained the field.

RESOLVED, That Congress have a high sense of the patriotic exertions made by the four Eastern states, on the late expedition against Rhode Island.

On the same day a motion was made to institute an inquiry into the causes of the failure of this expedition, which was set aside and not acted on.

The capture of the galley Pigot, which had been stationed by the British in the passage east of the island of Rhode Island, by "Major" Talbot, captain of the sloop Hawk, was

made the subject of legislative action by the General Assembly and also by Congress. The Pigot carried eight 12-pounders and forty-five men. "The Hawk" had fifty men, who boarded the Pigot and captured her without the loss of a man. The commander of the Pigot expressed much chagrin and mortification that he was taken by an "egg-shell," as he termed the Hawk, "though she was commanded by a Major." At October session, the General Assembly passed a vote of thanks to Major Talbot and his associates, "for the signal service done their country in capturing" the Pigot, and in December voted a silver-hilted sword to Major Talbot, and a similar one to Lieutenant William Helme, as testimonials of regard for their gallantry in this encounter. Congress, November 14th, "as a reward of his merit, and for the encouragement of a spirit of enterprise," presented Major Talbot with the commission of lieutenant colonel in the army of the United States.

WILLIAM ELLERY TO GOV. GREENE.

YORKTOWN, May 30th, 1778.

SIR:—From the movements of the enemy and sundry intelligence received, there are strong reasons to believe that they intend to quit their present quarters at Philadelphia, and, from concurring circumstances, it is apprehended they mean to rendezvous at some post or place eastward of Hudson river. If the fleet should be bound to the West Indies, they may rendezvous in our commodious bay, in which case, unless our shores should be well guarded, the troops may make incursions into the country, and lay it waste.

Gen. Sullivan will, without doubt, collect the forces under his command, and post them in such places as he judges will best secure the country and prevent surprise. Inclosed are the last Lancaster and York papers, which will give you all the news we have. A letter to the President of Congress hath announced your election to the place of Governor of the State of Rhode Island and Providence Plantations, on which occasion your Excellency will permit me to salute you. It gives me great pleasure to see our late worthy Governor succeeded by a gentleman so eminently distinguished for his patriotic firmness, and steady regard for the rights of mankind.

Heartily wishing that your Excellency may enjoy health and spirits, to enable you to discharge the arduous duties of your office agreeably to your own wishes and the expectations of the public,

I am, with the greatest respect, your Excellency's

Most obedient and very humble servant,

WILLIAM ELLERY.

GOV. GREENE TO HENRY MARCHANT.

WARWICK, STATE OF RHODE ISLAND, &c., }
June 2d, 1778.

DEAR SIR : — Before this reaches you, it is very probable you will have heard that a large body of the enemy, on the night of the 24th of last month, landed at Warren towards break of day, and from thence marched to a place called Kickemuit, where lay our flat bottomed boats, and burned about seventy or eighty. They then proceeded back to Warren and burnt the meeting house, parsonage house, Caleb Child's house, as also the magazine, in which was a considerable quantity of powder, and partly burnt one of our galleys, and a new privateer that lay in the harbor. They then proceeded to Bristol, where it is said they burnt twenty dwelling houses and a considerable number of other buildings; and then embarked on board their boats, carrying with them about sixty prisoners, among whom was Sylvester Child and Parson Thompson, of Warren. On the 31st following, being perhaps flushed with their former success, they again landed at Fall River, with a body of about one hundred and fifty, and burnt one house and a mill, and were proceeding no doubt to burn the remainder of the mills, as there are two corn mills, two saw mills, and a fulling mill upon the same stream, near to where they burned the other; but as there was a bridge to pass to the other mills, which our people took up, and then placed themselves behind a wall and began to fire upon them, they retreated with the loss of one man killed, and one mortally wounded, who I hear is since dead.

These alarms have greatly distressed this State, more especially as our sister states have neglected finding us any troops, for a very considerable time past, and as, by the means of our shores being so very naked, the enemy embrace the opportunity of discovering their savage intentions, wherever any opportunity offers. In consequence of the foregoing, our Assembly has been convened, and they have enacted, that our State battalion shall be filled up to the number agreed on by the convention at Springfield, by the tenth of this instant; and in the mean time, have ordered out a considerable part of our militia to do duty on the shore. As we go on, I see nothing but

that there is the greatest appearance of this State's being entirely laid waste. On the one hand, as we are almost entirely neglected by our sister states, by having our country destroyed by the enemy ; and, on the other, by keeping the most considerable part of our militia on duty, (for we have but about nine hundred, including officers, now on duty,) we shall be prevented from raising the necessaries of life. They have also enacted that the bills emitted by this State shall, after the first day of July next, cease to pass as a currency, and that the certificates, which we have received in consequence of a warrant from Congress on the Loan Office, are to redeem £45,000 of them, and the remainder, which amount to about £60,000 more, the treasurer is to issue his notes in lieu of, payable on three years at six per cent. per annum. The latter sum, including the £90,000 which our treasurer has heretofore issued his notes for since the commencement of the present war, in consequence of money expended in behalf of the United States, amounts to about the same sum, or nearly that, including what we have been obliged to furnish the Deputy Clothier General with, as he has not been able to collect any from any other quarter, besides many other necessary expenses, which have accrued since forwarding our account by Mr. Collins to Congress, and which was then due from the United States to us. Now considering that to be the case, you will naturally discover what an amazing debt our little distressed State is now paying the interest of, when, in fact, if we could have a proper adjustment of our accounts, nearly the whole amount would in justice belong to the United States to pay. If we are obliged to continue in the way I have pointed out, exclusive of paying our proportion of the Continental debt, and be obliged to defend that part of the State which is much damaged, and which is not yet in the hands of the enemy, against a body of near 4000 of them, I think, I dare to prophesy that it is very probable that this State will be out of the hands of the present possessors in a very little time.

The disappointment we met with at the return of Mr. Collins by his not bringing the amount of our account against the United States, has induced me to write the above, as Mr. Ellery mentioned in his letter by Mr. Collins, that it was with much difficulty that he obtained what he did, and that unless we shall hereafter send forward some proper person to Congress with our vouchers, he thought it would be fruitless to apply for any further sum. Now, unless the accounts of the United States in general can be properly adjusted, I confess I am at a loss to discover which way Congress can know by inquiring into our accounts singly, what our proportion of the debt is ; but on the other hand, if they want to know whether the vouchers we have will properly sustain the charges contained in our account, I think it may be prudent for you to apply to Congress to know

their sentiments, when there may likely be a proper time for us to send forward some person with our vouchers, in order that we may have an opportunity of giving them the best satisfaction in our power. The resolve of Congress respecting the commander of armed vessels strictly adhering to instructions of Congress, was published in the *Providence Gazette*, of the 30th of May, as also the address to the inhabitants of the United States, which please, after making my compliments to the President, to acquaint him with. As I am not as yet informed of your setting out for Congress, of course I have not heard from your family lately, but conclude they are well.

I am, with great respect, your obedient, humble servant,

WILLIAM GREENE.

MESSRS. ELLERY AND MARCHANT TO GOV. GREENE

YORKTOWN, PENN., June 8th, 1778.

SIR: — Mr. Marchant arrived at this town the sixth instant. The situation of Mr. Ellery's family necessitates his return in a few days. Confederation, it is expected, will be taken up soon; and if Congress should determine that, immediately upon the completion of that business, no state can be represented without two members, the State we have the honor to represent may not have that share in the common councils of the states which our interest and circumstances require. Solicitous this may not be the case, we hope one of our colleagues will soon give his attendance.

We lament the waste and destruction made upon our State, by that more than savage barbarity peculiar to Britons. But we are utterly at a loss to account for that cruel desertion of our sister states which has thus laid our State bare to the insults and ravages of our enemies. This is a subject we feel most pungently, and shall not fail to endeavor to excite in Congress a common feeling with us, that, if possible, some steps may be taken for our relief.

It is expected the enemy will very soon leave Philadelphia, but for what quarter is uncertain. We hope the New England states will hold themselves in watchful readiness. The enemy ought to be expected in every quarter that, so let them come wherever they will, they may meet with a proper reception.

A large ship from France, with upwards of fifty guns is arrived to the Southward, with large supplies for our army. We enclose to your Excellency, the last York papers, and are,

Most respectfully your Excellency's

Most obedient and humble servants,

WILLIAM ELLERY.

HENRY MARCHANT.

COUNCIL OF WAR TO MESSRS. MARCHANT AND COLLINS.

STATE OF RHODE ISLAND, &c., IN COUNCIL OF WAR, }
 PROVIDENCE, June 10th, 1778. }

GENTLEMEN : — In pursuance of a resolution of Congress, and by virtue of a letter from Mr. Mease, the Clothier General, the Assembly in December last appointed John Reynolds, Esq., Agent Clothier for this State. As an immediate provision was necessary, Mr. Reynolds was supplied with a large sum of money out of the general treasury. The Governor gave the earliest information to Mr. Mease of the appointment. Mr. Reynolds did the same, and hath frequently written to him since for money and orders. But having no return of either, we have been obliged, as the necessities of the service required, to advance further sums from time to time to that department, until our account amounts to £46,946.

The officers of the two Continental battalions raised by this State, in consequence of a resolution of Congress of the 22d of November last, made applications to Mr. Reynolds for clothing. He, having no directions from his superiors, laid the affair before the Council of War, and requested their advice. Upon a conference, the necessities of the officers, and the generous intentions of Congress in the aforementioned resolve, being considered, Mr. Reynolds concluded to supply them, and to receive from them, until further orders, four shillings lawful money for what cost one shilling sterling, which was thought to be in just proportion to the wages of the officers. The Assembly having, agreeable to the recommendations of the Convention of Springfield, and the subsequent approbation of Congress, ordered a brigade to be raised for twelve months from the 16th of March last, and assigned the officers the same pay as those on the Continental service receive, which everybody knows is quite inadequate, did on the 31st of last month pass an order, that the Agent Clothier should supply them with clothing, and at such prices as are specified in the said resolve of Congress, upon their producing a certificate from Gen. Sullivan of the proportion to be furnished them respectively, agreeable to the said resolve.

Upon the application of Gen. Sullivan, the Assembly passed an order that all Continental officers doing duty in the State, although not belonging to the two Continental battalions, should be supplied in like manner.

Since the several transactions, Mr. Mease's letter, of which we enclose you a copy, came to hand. You will perceive by it that we are in danger of suffering very considerably and are thrown into the greatest difficulties. We request you to lay this matter before Congress, and to procure an approbation of our conduct as soon as possible.

The success with which some of our small cruisers have met with in the Sound, hath encouraged so many people to fit out armed boats, that the Secretary's office hath been suddenly and unexpectedly exhausted of commissions. We must desire you to procure and send forward a supply immediately.

We are, with great respect, gentlemen,

Your most obedient servant,

WILLIAM CODDINGTON, CLERK.

Signed by order and in behalf of the Council.

The letter of Mr. Mease, referred to as enclosed in the foregoing, is not on file.

GOV. GREENE TO MESSRS. MARCHANT AND COLLINS.

PROVIDENCE, June 13th, 1778.

GENTLEMEN:—By advice of the Council of War, I have this day addressed a letter to Congress upon the state of this Government.

The convention at Springfield, and the subsequent approbation of Congress, have been so little attended to, that we have not a single man in the State from Massachusetts or Connecticut; and but about 120 or 130 from New Hampshire. It is true that the first mentioned state hath about 140 men at this post; but they are stationed in Swansey, together with a detachment of our artillery. So that instead of Massachusetts affording us assistance, we actually furnish men to defend the shore of that great state.

You will perceive by the copy of Gov. Trumbull's letter, which we inclose to the President of Congress, that they have determined to send us no further assistance than is promised in that letter. We have this day appointed his Honor the Deputy Governor and the Hon. William Bradford, Esq., to proceed to Massachusetts and New Hampshire to solicit their respective quotas, and also to supply the deficiency of Connecticut; and request you to exert yourself in procuring the warmest recommendation of Congress of the measure, and forward it as soon as possible.

We have certain intelligence of the arrival at Newport of Gen. Brown, with the first battalion of his brigade, on Wednesday last.

Gen. Sullivan's express, by whom you will receive this, waits, which prevents me from adding anything more than that

I am, with great esteem and regard, gentlemen,

Your most obedient and most humble servant,

WILLIAM GREENE.

GOV. GREENE TO CONGRESS.

PROVIDENCE, June 13th, 1778.

From the extreme weak and defenceless condition of this State, the enemy have been enabled to burn the town of Bristol and part of Warren, captured a number of the inhabitants, and still are meditating further ravages. We have repeatedly wrote, in the most pressing terms, to the states of Massachusetts Bay, New Hampshire, and Connecticut, to send us that aid and assistance which was agreed to be complied with. From the two former we have received no satisfactory answers, and from the latter the enclosed letter from Gov. Trumbull, which sufficiently evinces that no succors can be expected there.

As neither of our sister states has furnished its quota of troops for our defence, it has distressed us beyond measure, and occasioned many of our sensible men to leave the State.

The General Assembly, at their second session in May, ordered that 839 men should be proportioned to the several towns, to be raised by the 10th of this current June, in order to complete our full quota of 1500 men. We have had returns from most of the towns, and find that the greatest part of them have raised their complement.

We must request the serious attention of Congress to the real unhappy, distressed and defenceless condition of this State, and that some mode of defence may be adopted that can be relied upon, as we cannot longer depend upon receiving any aid agreeable to the convention of Springfield. The enemy have received a reinforcement at Newport. Gen. Brown arrived there on Tuesday last, with one battalion of his Brigade.

The following are extracts from the enclosed letter from Connecticut:—

HARTFORD, June 5th, 1778.

SIR:— Your letter of the 26th ult. has been duly received, as also Major General Sullivan's, and laid before the General Assembly in their present session, and, on their serious and mature consideration, I am to inform your Excellency, that the Assembly, although they are sensible of your need of further aid and feel for your distresses, yet apprehend it is not in their power, consistent with our own immediate safety, and many other attentions to and engagements in the common cause, to afford you at present the assistance they would cheerfully do, would our circumstances and ability permit.

* * * * *

The stipulation in this behalf, at Springfield the last year, was then as near as possible, performed on our part; but future events could not have

been foreseen, and from the nature of the thing, it could not be understood to be perpetually binding ; but with or without the obligations of any previous contract, we shall be equally willing to afford any of our sister states, on all occasions, every assistance in our power.

I am, sir, with great respect,

Your Excellency's most obedient and humble servant,

JONATHAN TRUMBULL.

MESSRS. ELLERY, MARCHANT AND COLLINS TO GOV. GREENE.

YORKTOWN, June 20th, 1778.

SIR : — Mr. Collins received the day before yesterday, and brought forward instructions from the Council of War. By the last letter from Mr. Ellery and Mr. Marchant, you perceive that they were not unmindful of, and had not delayed to impress upon Congress, the critical situation of our State, and the late ravages there committed. There needs no information or complaint against the Clothier General. We shall, as soon as we have the least prospect of success, urge a further supply of moneys to our State, but it cannot immediately be done. We shall also press the necessity of some armed vessels for our bay ; but we are rather fearful of not succeeding in such an application. A letter from Gen. Sullivan, pointing out the utility, would however strengthen our efforts.

The enemy evacuated Philadelphia last Thursday morning. Three thousand of their troops were on board ship, hauling down the river ; the rest were in the Jerseys, nearly opposite the city. Their destination uncertain. Our whole army were immediately on the march. Gen. Maxwell, with about 2000 men, had previously been ordered into the Jerseys ; Gen. Arnold was ordered, with a small detachment, to take the command of the city. Congress have given their answer to the British Commissioners. The inclosed newspaper, of this day, will give your Excellency the whole proceedings which, on our part, we doubt not, will be satisfactory to every American Whig. Confederation was this day taken up by Congress, and we are in hopes of soon seeing it completed ; for this is the grand corner stone.

We are, with great respect to the Honorable

The General Assembly, their and your Excellency's

Most obedient and very humble servants,

WILLIAM ELLERY.

HENRY MARCHANT.

JOHN COLLINS.

MESSRS. ELLERY AND MARCHANT TO GOV. GREENE.

YORKTOWN, June 27th, 1778.

SIR :— Your Excellency's letter of the 13th instant, came to hand, as also one other of the 11th instant, from the Council of War. Your Excellency's letter addressed to Congress was also received. We observe a mistake made by the Council. In their instructions to us of the 4th of June, they say the State had advanced to the Deputy Clothier, £70,000. In their letter of the 11th instant, they say they have advanced to that department until their accounts amount to £46,946. Such material mistakes are liable to lead us into errors and inconsistencies with Congress. In the last letter from the Council of War, they mention a letter from Mr. Mease, which they say they enclose, but it was omitted. However, we have, from our first knowledge of the late attempts of the enemy upon our State, reflected upon the subject with seriousness, and pressed for relief of any kind ; and upon the receipt of the letters from your Excellency and the Council of War, we have again applied with ardor and unremitted zeal, and have obtained warrants for 250,000 dollars, which the President will enclose to the State ; also orders for supplying the military chest there with 300,000 dollars ; also an order for 2000 stand of arms, which order will be forwarded by the Board of War to Gen. Sullivan ; also a resolution for building three galleys on certain conditions ; also an order to Gen. Washington to send the Rhode Island battalion, now in camp, to our State, if it can be done consistently with the general interest. We place no great expectations from that resolution, unless the campaign should soon end successfully on our part in the Jerseys, and which, by the blessing of God, we have great hopes of. The papers and Capt. Talbot will inform you of the state of affairs there. We hope, if at length our sister states come forward, that our long distressed State will, in consequence of these resolutions, be again put upon ground that shall enable her to make a powerful and successful opposition to the attacks of our enemies, and that by making the wisest application of the moneys, and holding our hands with resolution from Continental advances in future, unless by immediate and express request of Congress, that our State finances may get into a better situation, and in a regular course of reduction.

The matter respecting clothing advanced to our officers at four shillings sterling for one shilling, is laid before a committee. We shall give you the earliest intelligence of the result. We are in hopes the State and the Deputy Clothier will be justified, although it is said the advance was not quite

large enough. The propriety of the advances to officers of State battalions are also doubted. We shall carefully attend to it, and are, most respectfully,

Your Excellency's most obedient, humble servants,

WILLIAM ELLERY.

HENRY MARCHANT.

P. S. — Mr. Collins has gone to Philadelphia. Congress this day will adjourn there.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, July 11th, 1778.

SIR: — Glorious news. I have but a few moments before the express goes off, to inform you that a French fleet is arrived on this coast, commanded by Count D'Estaing; one ship of 90 guns, four ships of 80, and two of 74, and five of 64, and four frigates. Congress this day received a letter from the Admiral, dated Delaware Bay. The French Ambassador, Mons. Girard, and Mr. Deane, in a frigate, are now coming up the river. The Admiral also forwarded us a letter, directed to Congress, from the King of France, and signed by his Majesty, addressing us in the most respectful and tender manner. The French fleet have sailed for, and before this are at Sandy Hook, to attack the British fleet. Gen. Washington is pushing forward in order to coöperate with the Admiral. Another British fleet is, however, hourly expected; so that it is possible Howe's fleet may refuse to give battle, and should the other British fleet come on the coast, the Count D'Estaing may put into Newport harbor. Congress have hinted this to Gen. Washington, to be improved upon, so that measures may be taken to call in a force sufficient to operate against the British forces on the island; but this upon the supposition that the Count D'Estaing should think proper to push for Newport harbor. I give you a hint of this, that Gen. Sullivan and the force he has may be preparing for such a possible event, and that our militia may be called upon, not merely in a course of duty, but as volunteers upon so glorious an occasion, to stand ready to step forward, if called upon, which I have not a doubt they will to a man, to rid themselves at once by an easy effort, under the blessing of Heaven, of the worst banditti that were ever suffered to curse the earth.

I have the honor to be your most humble servant,

HENRY MARCHANT.

P. S. — The Rose frigate, formerly commanded by Valteau, was taken by one of the French frigates upon their arrival in Chesapeake bay. The Roebuck, of 44 guns, at the mouth of the Delaware, was drove on the

shore of Maryland. Her crew cut her masts and fled on shore, where they must fall into our hands, and the ship, as she is one of the finest in the British navy, will be a fine acquisition. The frigate coming up the river has two prizes with her. They sunk a British privateer of 26 guns, just as they made land.

HENRY MARCHANT.

You will excuse a scrawl for the love of the matter.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, July 14th, 1778.

SIR: — As I shall enclose to your Excellency the newspaper of this day, I have no occasion to add, but that I had the honor of being present the last Sabbath at the most interesting interview that ever took place in America, or perhaps in the world, between Monsieur Gerard, the Plenipotentiary of France, and the President of Congress, on the part of the sovereign independent United States of America. This interview was most cordial, generous and noble. In my turn, I had the honor of personally congratulating his Excellency upon his safe arrival, and giving him a hearty welcome to the United States of America.

I am in daily expectation of hearing that Rhode Island is evacuated.

Most respectfully,

Your Excellency's most obedient and humble servant,

HENRY MARCHANT.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, July 20th, 1778.

SIR: — I this day received yours of the 10th instant. I am glad to find the *warrants* came safe to hand, and that thereby, aided by the other resolutions obtained of Congress, the aspect of public affairs in our State is much altered for the better. My most unremitting endeavors shall be continually exerted for the relief of the State I have the honor to represent. The request relating to the Deputy Clothier has been committed. I have hitherto been unable to procure a report, but I am in hopes it will be favorable throughout.

I am glad to hear the spirit for taxation continues, it ought to increase at least in proportion as prices rise. For till prices fall, it is evident there is too much money out, and therefore that taxes should increase.

The French fleet have taken, off the Hook, ten or twelve sail of ships, some from Cork, and others from the West Indies, with valuable cargoes, and also a frigate of 32 guns, their convoy. I expect the French fleet will soon

sail for Rhode Island, and I am in daily expectation of hearing that Rhode Island is evacuated. I enclose your Excellency the paper of the day, and am most respectfully,

Your Excellency's most obedient and very humble servant,
HENRY MARCHANT.

MESSES. MARCHANT AND COLLINS TO GOV. GREENE.

July 28th, 1778.

SIR: — We are to inform your Excellency officially, (of what we suppose that you are better informed of before this,) that the French fleet were to sail the 21st instant for Rhode Island, and that Gen. Washington has detached a considerable body of troops from the main army to reinforce Gen. Sullivan, in order to make a descent upon Rhode Island. It is expected on this occasion that a most vigorous exertion will be made by our State. We know in this the public will not be disappointed. We doubt not all possible respect will be paid to Admiral Count D'Estaing. The fleet will want to be watered, and some supplies of fresh provisions, vegetables, &c. We wish all possible success of this expedition, and are,

With great respect to the Honorable the General Assembly,
Your Excellency's most obedient and very humble servants,
HENRY MARCHANT.
JOHN COLLINS.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, August 3d, 1778.

SIR: — Finding that all persons who had the disposal of Continental lottery tickets in the several states were required, by a certain day, to make returns of all tickets they had on hand and unsold, to a magistrate, to be by him sealed up and forwarded to the Continental Treasury Board, and finding no such returns from our State, I am afraid the resolution has not been properly attended to, and that damage may accrue thereby to some gentlemen of our State. I take the liberty to enclose to your Excellency copies of those resolutions, which relate to that subject, and beg your Excellency to make some inquiry into the matter, that if there has been any neglect it may be mended as much as possible.

By this day, I expect the French fleet under the command of Count D'Estaing, in conjunction with the American troops, have made an attack upon Rhode Island. Heaven prosper the enterprise. Gen. Sullivan has now an opportunity of procuring unfading laurels for his brow; indeed, I hope the brow of every soldier will be encircled with crowns of honor. My

countrymen of Rhode Island, step forth and maintain that rank you so worthily hold among the American brave sons of freedom. Every moment swells with important events. One glorious effort, and this fall, by the blessing of God, settles the United States in safety and honor, and brings a harvest of lasting blessings to posterity.

But amidst all, let me say a word as to economy. We have scarce to fear but from the inordinate extravagance of the times, a lawless thirst for riches, and a spirit of monopolizing and speculation, big with more evils than all the armies Europe could afford. A most strict attention must be paid to our finances. I hope our State will make a very wise application of the large sums of money lately received by her. I hope we shall be careful to advance as little as possible on Continental accounts. Every sum advanced has passed some loss upon a settlement. Let us call in as much money as possible, and of our treasury notes.

I have only time to add—I am, &c.,

HENRY MARCHANT.

HENRY MARCHANT TO THE GENERAL ASSEMBLY.

PHILADELPHIA, August 11th, 1778.

GENT.:—Last Thursday, Congress gave public audience to Monsieur Gerard, the Minister Plenipotentiary of France. It was an important day, an important transaction, and I hope replete with lasting advantages to the United States in general, and to the State of Rhode Island in particular. By this day, perhaps at this moment, we are reaping the blessings arising from a treaty with so powerful an ally. I think the connection brought about by the hand of Heaven, and that thereupon it promises to be lasting, as it is mutually beneficial, generous, and noble. The particulars of the proceedings of the day your honors will have in the enveloped newspapers.

Congress has at length come to a resolution upon a report of their committee, that the expense of the expedition against Rhode Island last fall shall be borne by the United States. The report was received and agreed to without argument, and without the least division. Nothing could ever have stood such a question but for a letter from Gen. Heath, wrote, I conceive, in consequence of some dispute he had had with Gen. Spencer, in which letter he is pledged to say *he* never knew how the expedition came to be formed, nor from whence it originated. I have the honor to enclose, your Honor, the report and the resolution of Congress.

With ardent wishes for the growing honor and glory of the State, and success to the present expedition for the recovery of its capital, and that

this war may be soon closed with honor and reputation to our armies, and with the establishment of our liberty, peace and independence, I beg leave to subscribe myself your Honors'

Most obedient and very humble servant,
HENRY MARCHANT.

GOV. GREENE TO HENRY MARCHANT.

PROVIDENCE, August 13th, 1778.

SIR: — I received your favor of the 28th of last July, wherein you mention the sailing of the French fleet, and the intention of Gen. Washington of detaching a part of his army to be under the direction of Gen. Sullivan, to drive the enemy from this State, both of which have arrived safe. After waiting a few days to prepare for the attack, the French fleet, last Saturday, entered the passage on the East of Conanicut, where there was a very severe cannonade from the enemy's batteries, which was as severely returned by the French ships. The next day Gen. Sullivan, with the troops under his command, crossed over at Howland's Ferry, and landed on the North end of the island of Rhode Island, without the least obstruction from the enemy, and took possession of the enemy's works on Butt's and Quaker Hills. The day following, there was a fleet seen in the opening, which induced the French fleet to get under way and pursue them, and as they passed the enemy's batteries, there was another heavy cannonade; but I have not yet learned that either has done any very considerable execution. Where the French fleet is now I know not, as there has been a very heavy gale of wind at North East for about two days past, and still continues. Heaven only knows when we shall have their assistance again, but, thank Heaven, the French fleet coming in so confused the enemy, that they have burnt five frigates and one sloop of war, together with a number of galleys, being the whole of their armed vessels here. They have also burnt a number of others and, I believe, sunk nearly all the remainder; so that they have put it out of their power to evacuate the island unless they are assisted from some other quarter before the French fleet returns, so that I hope we may not yet be disappointed in our expectations, which has been nothing less than to take the island and every individual and their effects; but I most sincerely feel for our troops, as they who were of the militia went from here very thinly clothed, the weather being then very warm. As the storm has been attended with much rain, and the weather very cool, I apprehend they have been exposed to the weather for want of sufficient number of tents or houses.

You mention that you have not the least doubt of our State's vigorous exertions upon this occasion, which I suppose was in consequence of our

former conduct upon every occasion since the commencement of the present war. A few days before the French fleet came in, the enemy was reinforced, so that by the best intelligence they were from six to seven thousand strong; and Gen. Sullivan, receiving intelligence that their intentions then were to come off, in order to burn the town of Providence, requested me to call forth the whole of the alarm and independent companies and the militia; and, after keeping them upon duty a few days, to march to Providence. But after the reason of the alarm ceased by the French fleet appearing at the offing, the General, with the advice of the Council of War, thought proper to dismiss them, and at the same time the Council passed a resolve to order out one-half of the whole militia, alarm, and independent companies to join the Continental troops in the expedition against Rhode Island, and then to do duty for the space of twenty days, unless sooner dismissed by Gen. Sullivan. The other half are also ordered to hold themselves in readiness to march at the shortest notice, should there be occasion for them, which is a very heavy burden upon this State, and more especially upon individual towns and also individuals, as some towns have voted their men, although the one-half of the whole, in addition to what the Continent and State allows them, four dollars per day more. Many individuals have given two hundred dollars, they being drafted, for others to take their places. I dare say, considering the number ordered by this State and the expense of getting them into the field, you will not be disappointed in our exertions upon this interesting occasion. I cannot, with any certainty, pretend to say the amount of the number of troops now on Rhode Island, but by the best intelligence I have been able to collect, there were the day before yesterday about 8000, and many more then seemed to be going on. I hope their numbers are much larger, otherwise I believe this State, including the 1500, were they raised for one year, exclusive of what we have raised to do duty during the war, are the one-half of that number. Should that be the case you will naturally consider how amazingly this State is burdened.

HENRY MARCHANT TO THE GENERAL ASSEMBLY.

PHILADELPHIA, August 17th, 1778.

GENTLEMEN:—In my last to the Honorable the General Assembly, I mentioned that I had enclosed a report and a resolution of Congress thereon, that the expense of the expedition last fall against Rhode Island should be borne by the United States, but I could not as I expected get the report and resolutions from the Secretary's office timely for the post. I therefore now enclose them, with several newspapers of the week. Our last letter from Gen. Sullivan of the 10th instant, informing us that he had

landed with his whole force upon Rhode Island, and taken possession of the enemy's works upon the north end of the island, which they had abandoned; that an English fleet had appeared off; that Count D'Estaing had sailed after them,—fills our minds with much anxiety. However, hoping that this will rather invigorate and cause a redoubled exertion, we remain in great hopes of success.

We have had a long series of very heavy rains, and easterly weather. This has brought one of Lord Howe's galleys upon the Jersey shore. They say that, on Tuesday, while closely pursued by the French fleet, she parted from the British fleet and put away for New York, having sprung a leak, but gives us no further particulars.

Last evening, we had advices that four or five ships were at Cape Henlopen firing for pilots, as was supposed. Whether those ships are of either the two fleets is uncertain. It is rather apprehended that both fleets must have got scattered, if the storm was as hard at sea as it was here on Tuesday, and almost the whole week. As the event is greatly interesting, relying upon the same kind Providence which hath hitherto so signally appeared for us, I remain in hopes of soon having an account which shall do honor to the American arms, and call up afresh the most grateful acknowledgements of the Divine interposition in our behalf.

I am your Honors' most obedient and very humble servant,

HENRY MARCHANT.

GOV. GREENE TO HENRY MARCHANT.

PROVIDENCE, August 20th, 1778.

SIR:—I received your favor of the third instant, and have duly noted the contents. A few days past, the late Gov. Cooke informed me he had in his hands eleven hundred and eighty-eight Continental tickets belonging to the United States, which he had received as Governor, agreeable to the resolve of Congress, and desired me, by virtue of the same capacity, to receive them into my hands, which I accordingly have done and have given him my receipt. Shall be ready to deliver them to the Board of Treasury on their order immediately. I wrote you, the 13th instant, the particulars in regard to the French fleet, and can hear nothing to be depended on in regard to them since. But, as the weather has been very thick and the winds very small and unsteady since the storm, until yesterday, and to-day the wind being fair and the weather more clear, we are now in great expectations of hearing from them hourly; but whether we shall be disappointed or not, God only knows. In consequence of their absence, Gen. Sullivan has applied to the Council of War for a further reinforcement from this State, and

says, "it is to your State I principally cast my eyes for reinforcements." The Council, taking the matter under consideration, have ordered out the whole of the remaining half of our fencible men, to do duty for the space of twenty days, and have appointed committees to proceed to the states of Massachusetts and Connecticut, by whom I wrote in very pressing manner to the Governor of Connecticut and the Council of Massachusetts for their assistance upon so important an occasion, setting forth the circumstances. The Governor and Council of the state of Connecticut ordered six companies, exclusive of forty light horsemen, to be got ready with all possible dispatch ; and the Council of Massachusetts wrote me that they had passed a resolve to fill up all vacancies when the men's times were out for which they were drafted, without any additional number. Considering the amazing disproportion we are obliged to take by having out the whole of our fencible men, through the inattention of our neighboring states in the present expedition, as well as our over proportion in every other movement since the commencement of the present war, you may easily discover what a disagreeable situation we must naturally be in to redeem treasurer's notes, as you will see by my last to you that this State has undertaken to give a considerable sum in addition to the pay allowed by Congress. Then the towns have several of them made considerable additions ; as also individuals have paid a much larger proportion for individuals to take their places after being drafted, and considerable of it to men out of our sister states to take the places of those of this State, for want of that assistance of them to which we are justly entitled ; as, in that case, they would be under a necessity of doing their own duty without our being obliged to pay them. I think it my duty, as we are treated, to let you know the reason why we have such large demands for cash, notwithstanding the smallness of our State. You know what an oppression this must be to those who are unwilling to step forth to action, as well as to the State in general.

August 21st, 6 o'clock, A. M.

Since writing the above, there is intelligence of the arrival of the French fleet, and it is said the Admiral's ship is dismasted, as also some other of them ; the particulars I am not as yet informed of. It is also said, they have brought in with them two of the enemy's ships of war. I am thankful for their arrival, as we depend much upon their assistance, notwithstanding their being so much damaged. I do not learn they lost any of their men, as the loss of the mast was in consequence of the severity of the storm, although it is said after the Admiral lost his masts, he was attacked by four frigates, but to no purpose.

I had like to omitted, the state of New Hampshire which, notwithstanding

the distance they live, has sent forward a considerable number of volunteers, and among the rest there is Gen. Whipple, as also Gen. Hancock from the Massachusetts, with a considerable number of volunteers from there. But by Gen. Sullivan's requisition to this State for further reinforcement, after we had ordered out one-half of our fencible men, it appears very evident that the other states do not afford that aid which is necessary.

I mentioned to Gov. Cooke the receipt of your letter, and showed him the resolve concerning the tickets belonging to the Continent, who said he had not seen it before, and that he waited for orders to deliver them.

I am, with great truth, your obedient, humble servant,

WILLIAM GREENE.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, August 25, 1778.

SIR:—I have the honor of yours of the 13th inst. We have been favored with letters from Gen. Sullivan of the 17th, and affairs were then in a hopeful train. We are in momentary expectation of advices important. Heaven grant they may be of favorable success. The treasury was a little uneasy at finding that our State money had not been received upon the warrant which issued in their favor. I have wrote Mr. Clark upon it, and have not time now to add, but that I wish the State money now in the Loan Office may be redeemed at all events. It may assist us in future applications. I enclose the papers of the week, and am

Your Excellency's most obedient and humble servant,

HENRY MARCHANT.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, Sept. 6th, 1778.

DEAR SIR:—I received yours of the 20th of August, and I now enclose your Excellency a letter from the Treasury Board, enclosing the resolution at length, directing the manner of sealing up the tickets under seal of the State, and the certificates of the number unsold to be forwarded. Gov. Cooke has sent on ours, but you will perceive others are also to be sent. Your Excellency will now have no difficulty in forwarding the tickets. I am sorry to find that, for want of the aid justly expected from our sister states, (New Hampshire excepted,) we were obliged to exact so uncommon a force from our small State. But I somewhat console myself upon such occasions with the consideration of the honor we procure to ourselves, as well as a consciousness of having well discharged our duty to ourselves and posterity. And, however, this expedition is not likely to prove so success-

ful as we had much reason to presume it might, yet, no dishonor, I think, as yet at least can be reflected on the American arms. Our conduct will raise our character abroad, as well as at home, under this disappointment ; for to conduct well and bravely under unforeseen events and misfortunes is great heroism. I hope also that philosophy and good temper will be exercised under any misfortunes ; and that we may in some good measure suppress observations upon the conduct of others, which may do us no good, but may do harm. Besides, prudence will teach us always to put the most favorable constructions upon the conduct and opinions of others, and we may sometimes doubt at least whether or no we are not mistaken ourselves. Your Excellency, I presume, will see my meaning. Whether, all things considered, it was a right measure in the French fleet going out after the English fleet, and whether the going out the second time was advisable, are points not the most easily to be determined. It is politic, however, that we should be delicate upon the point, if we would not gratify our enemies, the Tories especially. This is certain, that no man could possibly express more uneasiness on that occasion than the French Minister. And whether the Count's conduct was the most prudent or not, the goodness of his intentions cannot be doubted. The friendship of his royal Master most assuredly cannot, and we may depend upon a vigor of conduct that will show his royal resolution to make good his ground, and to anticipate our wishes and expectations in him. It is said that a person has come out of New York, a native of Virginia, who was a passenger in Admiral Byron's fleet, and who declares that, on the passage, he was an eye-witness to the loss of the Admiral and two other ships. They all foundered in a terrible gale of wind. We hear of the arrival of but six or seven of that fleet. We presume, upon no slight grounds, that a French fleet is after them,—and we yet trust that we shall see our worthy ally superior in our seas to the British fleet, within a few days or weeks. This, however, it may not be proper to publish.

I should be glad to know the real loss of the enemy in their shipping at Rhode Island. Whether their transports were so sunk as to be destroyed ; whether their hay, &c., at Conanicut was destroyed. Our last account from Gen. Sullivan was after the battle of the 29th, but he was not particular as to our loss or the enemy's. We presume it was great on both sides. We are very anxious to hear that he got off safe, before the reinforcement got to the enemy, which sailed more than a week ago.

My respects to your lady and family. Most respectfully, I am

Your Excellency's most obedient and very humble servant,

HENRY MARCHANT.

HENRY MARCHANT TO GENERAL ASSEMBLY.

PHILADELPHIA, Sept. 12th, 1778.

GENTLEMEN:—While I lament the failure of the hoped-for success against Rhode Island, and submit to the will of heaven, resolving all into the wisdom of His Providence, and which I doubt not we shall soon have a full conviction of, however disagreeable the present check may be to our eager pursuit, I have, however, the pleasure and happiness to congratulate you, and our countrymen, that our honor is not tarnished. In the course of a retreat, made necessary by circumstances out of the power of mortals to surmount or forego, a victory was obtained by the Continentals and militia of New England, and a safe and honorable retreat effected. And in that expedition, the exertions of the State of Rhode Island and Providence Plantations, the spirit of its brave officers, troops and volunteers has gained them high honor and reputation, and a very advanced standing among the United States. Upon this occasion, as well as many others, which the patriotism, valor, and spirit of the State I have the honor to represent has furnished me with, I have not been wanting in my exertions to place them in that point of light which justice demanded. It is true, however, such distinguished merit and display of spirit and fortitude had no call for an advocate; they stood confessed.

I must however observe, that Major Gen. Sullivan has done great justice to the honor of the State, and has not failed to exert himself in obtaining the attention of Congress to his merits, and to her relief from the burthens she has so long and with so much magnanimity sustained. By a resolution passed this day, which will be forwarded to him by the President, Gen. Sullivan is empowered, by the aid of the legislature or Council of War, for the State of Rhode Island, &c., to call upon all the New England states for such numbers of militia as he shall think necessary upon great emergency. This is to be understood exclusive of the standing proportions. I enclose your Excellency and Honors the two last papers.

I hope I need not assure you how much

I am your most devoted and faithful servant,

HENRY MARCHANT.

GOV. GREENE TO HENRY MARCHANT.

WARWICK, Sept. 17th, 1778.

SIR:—I received your favor of the 25th of August, mentioning receipt of Gen. Sullivan's letter of the 17th, and that affairs were then in a hopeful train and, as I doubt not before this, Gen. Sullivan has wrote to Congress

the particulars of his engagement with the enemy, and the manner in which he retreated afterwards, I think it unnecessary for me to add anything further.

The Assembly set the 2d instant, being the time they were required, by reason of its failing in consequence of the late expedition, and among other things enacted that this State's money in the Loan Office here, should be redeemed with the certificates which were ordered by Congress to issue from the Loan Office here in favor of the State.

I mentioned in my letter to you of the 13th of August, my having 1188 of the Continental lottery tickets, which I was desirous to deliver to the Board of Treasury or their order, and as Messrs. Ellery and Collins will be on their way to Congress sometime hence, shall be glad if the Board will draw an order on me to deliver them to them, and shall take it as a favor if you will be kind enough to acquaint them of it immediately upon the receipt of this. Am much obliged to you for the newspapers which you have sent me at different times, and subscribe myself

Your sincere friend and humble servant,

WILLIAM GREENE.

GOV. GREENE TO HENRY MARCHANT.

WARWICK, Sept. 25th, 1778.

SIR: — I received your favor of the 6th instant, together with the letter from the Treasury Board, mentioning in what manner I am to proceed with the tickets in my hands, belonging to the United States.

As to the loss of the enemy, I am informed that they fired four ships and one sloop of war, and also one row galley, exclusive of several transports, which they sunk; but whether they have or are likely to get them up again I am not able to say, and as to the hay on Conanicut it was in the same position at the time we retreated as it was at the commencement of the expedition.

You have, doubtless before this, had intelligence of the ravages of the enemy at Bedford, who destroyed all the stores, together with what they contained, to a very great amount, and about fifteen or twenty dwelling houses, and afterwards proceeded to Martha's Vineyard and took off a large quantity of stock. I am very glad to find by the resolve of Congress that they have recommended to the several legislative bodies of the Southern in states to furnish the Eastern states with vegetable provisions, as they are great want of those articles; and I most sincerely wish that that was the case in the state of Connecticut, where they have, as I have been informed, raised a very considerable crop of wheat this year, but the imbargo, notwithstanding, is continued on. I believe we shall be more likely to stand in need of every

reasonable assistance from our sister states the ensuing year should the enemy continue among us, than we have heretofore, as in that case, there must be a large number of troops kept here, who are principally supplied from the other states, although there are many articles which they are furnished with by us that the inhabitants really stand in need of, and are now obliged to do without, more especially as that part of the State not in possession of the enemy is obliged to support a large number of the inhabitants from that in the enemy's possession. Many of them have already come off (one hundred of them have come off within a few days past,) and it is said there are many more coming, and I think it is very hard for us to be debarred from procuring the real necessities of life, considering the above circumstances.

I am, with great truth, your sincere friend and humble servant,
WILLIAM GREENE.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, Sept. 29th, 1778.

DEAR SIR:—Yours of the 18th instant came to hand yesterday. My last letter to you will afford you proper directions as to the lottery tickets, &c. You can be in no doubt of finding them by Messrs. Ellery and Collins. I expect they will set out the beginning of November. But you had better see them early, and deliver the tickets, lest they should be left. I enclose your Excellency the papers of the week, and a pamphlet wrote by one of the people called Friends, an able hand, and one of the most unexceptionable characters in that society. Great pains were taken to suppress the publication; they beset the author on all hands, and he was prevailed upon to suffer them to pay the printer for the whole impression and stifle it. But several happened to get out of the printer's hands before the business was completed, and another printer has put it forth. You will be pleased to present it to the Honorable the General Assembly.

I am their's and your Excellency's

Most obedient and very humble servant,
HENRY MARCHANT.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, Oct. 5th, 1778.

SIR:—Your Excellency's favor of the 25th of September I received yesterday. I could have wished to have had any tolerable estimate of the loss sustained at Bedford. The stock taken off at the Vineyard I have heard was very considerable, especially in sheep. The enemy are now

foraging in the Jerseys. Was it not that our enemy got well provided thereby, it would be some consolation that they were plundering amongst the Tories, their very good friends. A considerable number of our light horse were surprised in their quarters in the Jerseys, and it is said many were put to death most barbarously, after they had surrendered themselves. The particulars are not yet come to hand. The facts, if established, will come under serious consideration in Congress.

We are just now alarmed with the appearance of about twenty sail of the enemy off Little Egg harbor, which, it is supposed, the enemy mean to pillage of the considerable wealth there collected by privateers, &c. The Jersey militia are called out, and we hope they will be able to give a check to those free booters. However, many people seem not much to distress themselves to preserve the property of men collected and lodged about in private corners to wait for, and to enhance the present intolerable high prices. With respect to the embargo in Connecticut upon wheat, &c., it much surprises me. I have spoken to Mr. Sherman, the only Connecticut delegate now here, and a very worthy character, and he promises me he will immediately write home upon the subject. Congress is doing everything in its power to provide or procure the sending of wheat, &c., into the Eastern states, and is calling loudly upon the Southern states to make examples of the monopolizers of provisions. At the same time, it is expected that the Eastern states will not suffer their own people to buy the provision up in large quantities, and that no person will be allowed to hold or purchase more for himself than may be necessary for his family consumption, and that laws be immediately provided against such a practice, and that these laws extend to rum and spirits and every other article of life, or that may be wanted for the army. Extortioners and monopolizing men must have a twisted bit put into their rapacious mouths. This is doing to the Southward, I say again, it is expected you follow the example.

I am your Excellency's very humble servants,

HENRY MARCHANT.

GOV. GREENE TO HENRY MARCHANT.

WARWICK, Oct. 17th, 1778.

SIR:—I received your favor of the 29th ult., together with the enclosures, and shall lay the same before the General Assembly. I take this opportunity by Mr. Collins to forward to the Board of Treasury the tickets received by Gov. Cooke in behalf of the United States, agreeable to the resolve of Congress of the 18th of January, 1778, as also those left by him signed, and another to the managers of the Continental lottery which I hope will arrive safe to hand.

The Deputy Governor informed me of the 13th instant that Gen. Sullivan hath received information from his Excellency Gen. Washington, that ten regiments of foot and two of horse had embarked on board sixty transports coming down the Sound, but nothing further since.

I am, with every sentiment of respect,

Your obedient, humble servant,

WILLIAM GREENE.

HENRY MARCHANT TO GENERAL ASSEMBLY.

PHILADELPHIA, Oct. 21th, 1778.

GENTLEMEN : — In consequence of a letter of the 11th of June, from the Council of War, the same was laid before Congress, and a committee appointed upon it. But, notwithstanding my utmost exertions to get a report as soon as possible, that committee never did anything upon it ; one member of it left Congress and I at length got a new committee, and through perseverance I have procured a report and resolution of Congress, which I herewith enclose your honors. It is such as I apprehend will afford entire satisfaction, especially when it is considered that the furnishing of clothing to the officers of the State troops, upon the same principles as the clothing furnished to the officers of the Continental troops, is approved of by Congress. I felt myself not a little happy that I was able to establish that point, and I cannot but reflect with some degree of satisfaction, that I have never failed in obtaining every request which I have ever had the honor to make of Congress, in behalf of the State I represent ; and, in some instances I flatter myself I have anticipated their wishes. This observation does not arise from vanity, but from that heart-felt pleasure I take in the discharge of my duty to a State which has conferred upon me repeated honors, and given to me the strongest testimonials of its confidence,—of all which no one hath a more grateful sense, nor shall strive more ardently to evince it, than your Honors'

Most obedient and very humble servant,

HENRY MARCHANT.

GOV. GREENE TO HENRY MARCHANT.

WARWICK, Oct. 22d, 1778.

SIR : — Your favor of the 5th instant I received yesterday, prior to the receipt of which I had wrote, to go by Mr. Collins, but there being a report that the enemy were embarking at New York, he thought proper to wait a few days to hear further ; but as there is no confirmation of the matter, he sets out to-day. I am not able to ascertain the particulars of the loss we sustained at Bedford. All that I have heard was that all the stores

and fifteen or twenty dwelling houses were burnt, but what they contained I am not able to say, but I have understood it was a very large amount.

You directed your letter to me in Providence. I suppose by that you conclude I am most generally there, but as the General Assembly passed a resolve that the Council of War should sit no more than four days in each month, unless upon special occasions, I am now for the most part at home. I am very glad to find that Mr. Sherman disapproves of the conduct of the State of Connecticut in regard to continuing on the embargo, and shall lay your letter before the General Assembly which sits on Monday next, when I hope it will be duly attended to, in regard to monopolies, which I shall inform you of immediately after the rising of the General Assembly, whether any act be passed or not; but I make no doubt something will be done.

I am, with every sentiment of respect,

Your obedient, humble servant,

WILLIAM GREENE.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, Nov. 3d, 1778.

DEAR SIR:—I yesterday received your Excellency's two letters of the 17th and 22d of October by Mr. Collins, and find he has brought forward the lottery tickets. I believe you will not be troubled this winter with any of the British gentry. Whether they will totally leave the Continent is uncertain; but large embarkations are taking place, supposed for the West Indies, perhaps to touch at South Carolina. The attention of Congress is much bent upon putting a check to the depreciation of the currency. This is almost the only difficulty we are left to struggle with, and we hope this is not an insurmountable one. I expect to set out on my return the middle of this month, when I may have an opportunity of giving your Excellency such further satisfaction as to public appearances, (which at present are very flattering to our wishes,) and also of our own transactions as may be in my power. In the mean time, I remain

Your Excellency's most obedient and very humble servant,

HENRY MARCHANT.

P. S. — I enclose the papers of the week.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, Nov. 6th, 1778.

SIR:—I am to inform your Excellency that Congress have lately arranged their treasury, appointed a Comptroller and Auditor General of

accounts, and two Boards of Commissioners of accounts, who are to settle and adjust all accounts delivered to them by the Comptroller General. That those Commissioners should be appointed from as many different states as possible was highly necessary, and I conceived it my duty to nominate a gentleman from our State. I know Mr. Peter Phillips has been long acquainted with the nature of army accounts. I knew him to be a man of integrity, and though his services might be wanted at home, yet I conceive he might be more beneficial here in that department, and as he was a single man, he might remove with more ease than many others. I trust this nomination and appointment will not be disagreeable to the State nor to him. If your Excellency shall be of my opinion, I hope you will see him yourself and use your influence with him, to accept. I need not suggest to you, sir, that the settling of public accounts is a matter of great consequence, and as there are but two gentlemen appointed Commissioners from the Eastern States, I think it of importance that those should serve. As the nature of the accounts of the different parts of the Continent is very different in many instances, it is highly necessary that persons from those different parts should be in commission, that such explanations may be made as that justice may be done to the several states, as well as to the whole, I hope I need not add upon this subject. I enclose you a letter to Mr. Phillips. Your Excellency will be so kind as to see that it is delivered. I could wish that you could deliver it with your own hand, that you might converse with him at the same time upon the subject of it.

Expecting to set out on my return in about a fortnight, I remain,

Your Excellency's most obedient and very humble servant,

HENRY MARCHANT.

November 11th, 1778.

P. S.—Mr. Ellery arrived last Sabbath. I expect to set out next week. I enclose you the papers of the week, and the plan of the arrangement of the Treasury.

MESSRS. ELLERY AND COLLINS TO GOV. GREENE.

PHILADELPHIA, Nov. 24th, 1778.

SIR:—We now take up the pen, although we have nothing that we imagine is news to communicate, because we would not subject ourselves to the imputation of neglect. Admiral Byron's ship and five of his fleet have arrived off Sandy Hook in a shattered condition. The Admiral's ship has lost her bowsprit, mizzen mast, and main-top-mast, and the others are all dismasted. We may adopt Queen Elizabeth's motto, in the dissipation

of the Spanish Armada. On this occasion, St. Vincents is taken, and now Count D'Estaing is left uninterruptedly to pursue his operations in the West Indies. We may soon expect to hear of the conquest of all the windward Islands, and perhaps of the destruction of the fleet which sailed from New York about the same time that the Count left Boston. The Hollanders are well disposed toward us. They want a share of our commerce. We hear nothing from Spain. The important business of financing is on the carpet, and we hope Congress will soon be able to take measures for reducing the quantity of money in circulation, as will check the depreciation of it at least, if not appreciate it. Taxation and loaning are the only engines to effect this purpose.

Thus, sir, we have thrown together every thing we can recollect of any kind of consequence, and are, with great respect,

Your Excellency's most obedient, humble servants,

WILLIAM ELLERY.

JOHN COLLINS.

WILLIAM ELLERY TO GOV. GREENE.

PHILADELPHIA, Dec. 8th, 1778. }

IN CONGRESS. }

SIR: — In the letter we had lately the honor of writing your Excellency, we gave you some articles of intelligence which did not turn out to be true, notwithstanding we had part of them from Lord Stirling. This will make us cautious in the future. A few days since, Capt. Reed of the Packet Baltimore arrived here after a long passage from Nantz. He brings news that the Brest fleet has returned, after a month's cruise. It seems that the French Admiral had sent his complements to the British Admiral, and told him that he was where he had lately had the honor of some conversation with him, and that he should be glad to see him there again; that after cruising ten days, vainly hoping to see him, he returned to port. This we had from good authority. Upon the same authority, the President informed me, that Mr. Gerard has told him that the British King had desired the King of Spain to mediate a peace between him and the King of France. Spain replied that she was ready to undertake the office, provided she was made acquainted, first, with the proposals that Britain intended to make as the ground work of mediation. This drew from Britain a number of propositions of which the leading one was, that the King of France should retract the declaration made the last winter by the French minister to the Court of London, respecting the Independence of the States, &c., &c. This most extraordinary proposal was received by Spain as a high insult, and in consequence of it everything in that kingdom was in motion. Capt. Reed

informed us that the Fox was taken by a French frigate and carried into France. The Baltimore last paper says that the Swift, sloop of war, in chasing the Rattlesnake, a privateer of this place, ashore near Cape Henry, had run aground herself; that the enemy had burned her and surrendered themselves prisoners to the crew of the Rattlesnake. The enemy have already lost more ships than they did the last war.

Mr. Harrison, Secretary to Gen. Washington, in a letter to Congress received yesterday, says that his Excellency had received intelligence that the enemy had sent about fifty sail, great and small, with soldiers on board, up the Hudson's river, with an intention, as was supposed, either to rescue the convention troops, on their march to Virginia, or to attack the forts in the Highlands; and that Gen. Washington had made dispositions to defeat their intentions. This is all we can recollect at present. Congress, last winter, recommended it to the several states, to transmit to them all the acts that they had passed since the November proceeding, in pursuance of recommendation of Congress. None have yet come to hand. We should be glad to know what is going on in our State, and are, with great respect,

Your Excellency's most obedient, humble servant,

WILLIAM ELLERY.

P. S. — The plan of finance not yet decided.

GOV. GREENE TO MESSRS. ELLERY AND COLLINS.

WARWICK, Dec. 11th, 1778.

GENTLEMEN: — I received your favor of the 24th ultimo, mentioning the shattered condition of Admiral Byron's ship and others of his fleet. The latter, perhaps, may be the case, but the Admiral has since been into Newport and, I suppose, is there still. The Council of War was sitting this week, when there were a considerable number of accounts laid before them from the state of Connecticut, which contained charges against this, for supporting soldiers in that state, who were sick, that are the proper inhabitants of this; by reason, as they say, that the committee appointed by Congress to receive and settle the accounts, would not receive of that kind in favor of the state of Connecticut, but insisted that each state should pay the expense of their soldiers. If that method is to be adopted we shall suffer greatly, for the enemy being in the heart of the State have taken and sent through this a large number of people whom they took prisoners, belonging perhaps to every state upon the Continent, to many of whom, exclusive of paying the expense where they were sick, we have made many grants out of our treasury to pay their expenses on the road to their respective homes; and in case we must be under a necessity of going into each of the United States

to settle our accounts, to get our pay from each state, I believe the expense attending it will likely be as much as we shall be able to collect. I mention this that, if we are rightly informed, you may take the matter under consideration, and move in Congress that each state may have a right to charge the moneys they have expended in that way, let the troops belong wherever they may.

I am, gentlemen, with every sentiment of respect,

Your most obedient and most humble servant,

WILLIAM GREENE.

GOV. GREENE TO THE DELEGATES IN CONGRESS.

WARWICK, Jan. 7th, 1779.

GENTLEMEN :—The distresses of the inhabitants of Rhode Island increase so fast, that large numbers are daily leaving the Island and coming over to us. I wish we were able to afford them that support which they deserve on every consideration, more especially as they have now left their all for the cause of virtue and liberty. But, alas, it is totally out of our power to supply them with the necessary article of bread, through a real scarcity of grain. You are sensible that in the best of times, this State never raised bread corn sufficient to support its own inhabitants. Nearly one-quarter of the best plow land is now in possession of the enemy, and other considerable tracks are so exposed, that the occupiers have not dared, nor been able, to plant them for two years past. Added to all this, a strict embargo from all the western and southern states. We have had no other resources than what we have found in our own territory, and some small quantities with which we have been furnished from Massachusetts. It must be spoken to their honor, that, although they have many large seaport towns to supply their own, they have freely permitted us to purchase provisions in their state, without molestation. We have repeatedly applied to the authority of the state of Connecticut for liberty to purchase and transport by land bread and meat, for the support of the inhabitants of this State; but have been always put off without having our request granted.

It is an express vote of the General Assembly that you lay this matter before Congress, and request them, in the strongest terms, to take it up, and so far interest themselves in our behalf as to have the embargos repealed in New York and Connecticut, as respects supplying the inhabitants of this State with provisions by land. If some relief is not speedily granted, many of the poorer sort of inhabitants, especially those that have come off from Rhode Island, must inevitably perish from want.

We doubt not you will make a warm and spirited application to Congress on the grievance pointed out. Your own general knowledge of the truth of

the above facts, with others, prevents my adding anything further at present. You will be as speedy in your application as possible, and make return of your success.

I have the honor to be, &c., &c.,

WILLIAM GREENE.

MESSRS. ELLERY AND COLLINS TO GOV. GREENE.

PHILADELPHIA, March 2d, 1779.

SIR:—Inclosed is a resolution of Congress, which we hope, with the recommendation already given to the states of New York and Connecticut, may enable our State to procure a supply of bread for its poor. A fly, which heretofore had spoiled the wheat in Maryland, Virginia, and North Carolina, hath proved more destructive the last season than formerly, and this, with an inundation in some parts of the two latter, have occasioned a comparative scarcity of that necessary article. However, we believe a small quantity might be got in nearly all those states. We are informed that, in the parts of North Carolina which lie back of Cape Fear river, there is a considerable quantity of flour, and that probably it might be obtained by way of donation. Indeed, the delegates of that state have told me that it would be more likely to obtain flour in that mode than by purchase, or the recommendation of Congress. Perhaps, therefore, it might be prudent to try both ways.

If the Assembly should think proper to send to South Carolina for rice, Mr. Laurens, a delegate of that state, advises that the adventure should be made to Wingaw, rather than to Charleston, the navigation to the former being the least hazardous. Indeed, the whole coast from New York to South Carolina, is so infested with privateers as to render commerce exceedingly precarious. Capt. Collins is of the opinion that the navigation to Cape Fear and Wingaw would be safer than to Chesapeake, provided that the vessels ordered to the latter should be directed to keep as far from the shore as possible, without getting into the Gulf stream, until she should be in the latitude of the place, and then crowd directly for it.

Pennsylvania was not allowed to stand in the report, because the army which is in its neighborhood will want more flour than it can spare. We have moved Congress frequently on the subject of our proportion of the tax for the current year, but have not been able to procure a decision. The members are very loth to counteract their resolution, and thereby lessen the whole sum to be collected. We have a prospect of getting South Carolina to take off fifty thousand dollars, and assume it to themselves. I hope we shall be able to struggle through the tax thus reduced. The more we pay

now, the less we shall have to pay hereafter, when the money may be appreciated.

If we should have a good army in the field this campaign, it will, in our opinion, be the last. There is no probability of the enemy's receiving any foreign reinforcements, and Great Britain must take care of her Island, and protect it from invasions. Some troops have been drawn from Rhode Island to New York, and from thence, we are informed, that the enemy at Rhode Island were embarking their heavy cannon. It is not improbable that the Island may be evacuated to enable the enemy to reinforce their troops at St. Lucea, where their mortality is very great.

In hopes that our State may be soon rid of those locusts which have so long infested it, and that we may be speedily blessed with an honorable peace, we continue, with the warmest attachment to it and your Excellency.

Your Excellency's most obedient, humble servants,

WILLIAM ELLERY.

JOHN COLLINS.

P. S. — I had spoken to the Secretary for a copy of the resolution on supplies, but it hath been forgotten, and the post being just about to set out, will not admit of our waiting for a copy. However, you will receive a copy of it through the President. We have obtained a resolution for taking off fifty thousand dollars from our proportion of the tax, and putting it on South Carolina, since we wrote the paragraph respecting that subject. The Secretary is so busy that he cannot give us a copy of it. We will send it by the next post. In the mean time, the Assembly may proceed to taxation, if they should think proper.

We write in Congress.

WILLIAM ELLERY.

WILLIAM ELLERY TO GOV. GREENE.

PHILADELPHIA, March 9th, 1779.

SIR : — In the last letter, we promised your Excellency a copy of the act of Congress recommending to the states to the southward to permit the states of Massachusetts Bay and Rhode Island and Providence Plantations, to purchase provisions in their ports to supply their inhabitants. A copy, we are informed, hath been sent to you by the President. We, at the same time, promised you a copy of the act reducing our quota of the tax for the current year to two hundred and fifty thousand dollars, which we now do ourselves the honor to enclose, hoping that it will prove agreeable to the Assembly. It was not intended by Congress that the apportionment of the former or present tax should be considered hereafter as their precise just

quotas of these taxes. It was impossible to adjust our equitable proportion of the present tax. If it should turn out that we have paid more than our just quota, we shall have credit for the surplusage, and the interest thereof; if it should be less, we must pay the deficiency, with the interest, perhaps in an appreciated currency. We know that there will be difficulty in collecting so large a sum as two hundred and fifty thousand dollars in our State, under its present deplorable circumstances. But, distressed as it is, we presume that the difficulty will principally arise from the impracticability of apportioning the tax equally among the inhabitants. However, we hope that the State will struggle through it.

In a private letter to Mr. Ellery, from the Lieutenant Governor, he is informed that the authorities of our State complain that we do not send them intelligence enough. We could wish to gratify the Assembly in that or any other way, but really we have none to communicate. We mentioned in our last, we believe, that there was no prospect that the British army could receive any reinforcements this campaign. This is our opinion, and we think it is well founded. We have not received any intelligence from Georgia since the first account of the enemy's taking possession of it. Nothing from the West Indies, nor anything from Europe that we are at liberty to communicate.

The necessity of a respectable army in the field this campaign, whether peace or war should be the object of it, is so apparent as to need no arguments either to evince or to illustrate it. A brilliant stroke this campaign might make it the last.

Sincerely wishing for an honorable peace, and every blessing to our country and your Excellency, we are, with great respect,

Your Excellency's most obedient, humble servant,

WILLIAM ELLERY.

GOV. GREENE TO THE DELEGATES IN CONGRESS.

PROVIDENCE, March 11th, 1779.

GENTLEMEN:—The season of the year is approaching when we may expect the enemy to undertake offensive operations. The General Assembly, at the last session, impressed with a sense of imminent danger to which we are exposed, have requested me to direct you to lay before Congress the state of this Government, and to solicit relief. The army of the enemy upon Rhode Island consists of fourteen regiments, including the new levies, amounting to near 6000 men, and are well provided with everything necessary for an army. To defend the State against them, we have not more than 2000 Continental troops and the brigade raised by this State the last year; the time for which it was enlisted will expire on the 16th instant.

We have not a single man from another of the New England states, nor does there appear a prospect of obtaining any. In this deplorable situation, the Assembly found themselves under the necessity of endeavoring to raise a brigade of 1500 men, officers included, for another year. They offer a bounty of forty-five pounds, and the same clothing which is allowed to the Continental troops, and have made an addition of six pounds per month to their wages for their better subsistence. These encouragements, we hope, will reëngage a considerable part of the same men ; less would have had no effect at all, nor should we have had our shores guarded unless by that ruinous method of calling in the militia. All the males in the State between the ages of sixteen and fifty do not exceed 10,000 ; of these, some are disaffected, many are of tender consciences, and many are unfit for duty. Consequently 1500 must be considered as a very large proportion. The State you know is in a miserable condition with respect to its finances. Having principally depended upon commerce, the total stagnation of trade for upwards of two years hath reduced a great number of people to poverty. For a considerable time, the whole militia of the State hath been upon duty at once, sometimes half have been called out, at other times a greater part. This has not only been attended with the most enormous expenses, but, by taking the husbandman from the cultivation of the land, hath proved almost ruinous to the State, and occasioned so great a scarcity of provisions that there is not near a sufficient quantity in the State for the consumption of the inhabitants, and this, in a great measure, hath been caused by the other New England states having neglected to supply their quotas of men according to the agreements entered into at Springfield. Besides having lost a great and most fertile part of the State, and having the most exposed places still in our possession, left in a manner uncultivated, the waste and consumption unavoidably made by our own army, more especially in the late expedition to Rhode Island, where so large a one was collected, is excessive. From these and other topics, which your intimate acquaintance with the State will suggest, you will represent to Congress the absolute necessity of our raising a brigade for the common defence and safety of this and the United States ; the exhausted state of our finances, and our inability to raise the said brigade without assistance ; and you will use your utmost influence to procure from Congress money and clothing for the same. The General Assembly have assessed this State's proportion of the tax for 1779, recommended by Congress ; one-half to be paid by May 20th, in any of the bills emitted by Congress, and the other by December 1st, in which the bills of May 20th, 1777, and April 11th, 1778, are not to be received unless the inhabitants choose to pay the same before May 20th. They have also assessed another tax of 60,000 pounds to supply the treasury, to be paid in

by April 1st. You will easily conceive that it is scarcely possible for the people to sustain any greater burden.

The General Assembly, having been informed that it was in contemplation to change the route of the post through this State, have also given it to me in charge to direct you to represent the inconvenience that will arise from his passing through a small corner of the State, and the uneasiness it will occasion to the inhabitants, at being deprived of a convenience they have enjoyed almost from time immemorial.

I am, gentlemen, with great esteem, your

Most obedient, humble servant,

WILLIAM GREENE.

GOV. GREENE TO WILLIAM ELLERY.

WARWICK, March 15th, 1779.

GENTLEMEN: — I received your favor of the 9th of last month, prior to which, in consequence of an application from our Assembly to that of Connecticut, they had granted us liberty to purchase there 7000 bushels of rye and Indian corn, under proper regulations, notwithstanding which it was prudently considered by Congress. The letter to you by me signed of the 11th instant, was draughted by a committee appointed by the Assembly, and as I think they have not been so particular as to the part of the State the post is to ride through by the late alteration, and Mr. Hazard, the Surveyor General of the post road, having thought proper to inform me upon the occasion, by a letter from Boston, a copy of which I think proper to insert here, that you may be informed of his plan, together with his reasons for making the alteration, which is as follows:

BOSTON, March 11th, 1779.

As I have lately been under the necessity of altering the post road through the State of Rhode Island and Providence Plantations, I beg leave to inform your Excellency that, in future, the driver will go from Providence to Norwich, (instead of going through East Greenwich, Littlerest, and Westerly, as formerly,) and from Norwich to New London. This alteration is to continue no longer than until we recover possession of Newport, when the post road will be the same as hitherto.

I am your Excellency's most obedient and very humble servant,

EBEN HAZARD,

SURVEYOR OF THE POST ROAD.

Mr. Hazard doubtless thought it his duty to let me know of the alteration, and I think it would have been acting a much more prudent part had he taken

my advice before he made it, as it much effects the inhabitants of this State by being deprived of that privilege, the post taking its route near the sea coast, throughout this State, ever since the post was first established, until the last week ; and to think of altering the route of the post now, by reason that the enemy are in possession of Newport, is a reason that I am well assured will not be approved of by Congress, as that alone is a sufficient reason for continuing in the same route he has ever rode, as the enemy, by being there, have it in their power to land upon almost any part of the main on the sea coast for sixty miles. If the present plan be adopted, the public as well as the inhabitants of this State, in particular, will be under the necessity of being at the expense of employing expresses from the different parts of the State to the southward of Providence, to do business, which otherwise would not have been attended with any in the usual way, and as this State pays their full proportion of the several post offices throughout this Continent, it appears to me very unreasonable to deprive it of an advantage which will add a burden to a people already grievously distressed.

I do, therefore, request you, in behalf of this State, to use your influence in Congress to obtain their resolve to order the Post Master General to rectify the route of the post in such a way as not to vary from the ancient custom.

I am, with much esteem and respect, your obedient servant,
WILLIAM GREENE.

P. S.— The Assembly sets in Kings County and Kent one-half of the year, and in one of which the Governor at present has his residence, through both of which the post heretofore went.

MESSRS. ELLERY AND COLLINS TO GOV. GREENE.

PHILADELPHIA, March 16th, 1779.

SIR:— The following agreeable news from South Carolina, given to us by Col. Laurens, since we came into Congress this morning, is so agreeable and may be attended with such happy consequences, that we have snatched a flying moment to communicate it to your Excellency.

Sunday, about 1 o'clock in the morning, (Feb. 14th,) Col. Campbell, having previously destroyed the flat-bottomed boats, in which he had intended to cross Savannah river, into South Carolina, quickly retired from Fort Augusta, leaving behind him all his sick and wounded, with a polite note recommending them to the care of Brigadier General Williamson, who had prepared to attack the fort the next day.

Gen. Williamson immediately detached Cols. McIntosh and Hammond

to hang on the skirts of the fugitives. These officers had already received many deserters. The express says the night he left Charleston, a message was received from Gen. Williamson informing that Cols. McIntosh and Hammond had taken all the enemy's baggage, killed and wounded many of their troops, and that many more deserters had come in from them. Col. Laurens further tells us that Col. Campbell had invited the Indians to a treaty with him to no purpose; that Gen. Williamson had sent wagons with presents to them, and secured them to our interest, and that he had taken effectual measures to intercept a body of tories from the back parts of the country, who were about to join Col. Campbell. We have not time to mention other advantages resulting from this happy circumstance, but must leave them to your better judgment.

We are, with great respect, your Excellency's

Most obedient, humble servants,

WILLIAM ELLERY.

JOHN COLLINS.

JOHN COLLINS TO GOV. GREENE.

PHILADELPHIA, March 30th, 1779.

SIR: — Congress passed a resolution yesterday in regard to the Bahama Islands, which you may see in the enclosed paper. On Saturday, they resolved to raise 3000 black soldiers out of the states of Georgia and South Carolina, and pay one thousand dollars a head for them. As the State of Rhode Island raised a black regiment, the accounts of which, I suppose, are not yet settled, I thought it proper to give you this information.

I am, sir, with great regard, your most obedient, humble servant,

JOHN COLLINS.

MESSRS. ELLERY AND COLLINS TO GOV. GREENE.

PHILADELPHIA, April 6th, 1779.

SIR: — Sometime past, we had the honor of writing your Excellency a flying letter, giving an account of Lieut. Col. Campbell's retreat from Augusta. Since that, we have received no account from Georgia. Rivington, in his lying *Gazette*, hath told the public that, on the 4th of March, a body of our troops, under Gen. Egbert, were decoyed, surprised, and captured or cut to pieces by the enemy. As more than a month has elapsed since the 4th of March, and we have received no intelligence, it is concluded that nothing material hath taken place in that quarter. We have nothing new from Europe or the West Indies, and our home intelligence is of no great importance. Gen. Washington, a few days since, enclosed to us an

extract of a letter of Gen. Maxwell, dated March 28th, advising him that, yesterday and the day before, twenty-eight sail had arrived at the Hook, mostly from England, and that, at the same time, a Hessian Colonel, with three or four hundred men, last from Halifax, landed at New York ; that Gen. Clinton was returned ; that it was reported in New York that the expedition was over owing to the storm ; that there was no account of the return of the British troops or vessels ; that Gambier, with six or seven ships and frigates, designed, it is said, against New London, were on the outside or east end of Long Island ; that the troops to the southward were sickly, and that Gen. Grant was beat by the French.

Yesterday, Congress received a letter from the General, informing that he had received a letter from Gen. Putnam, advising that fifteen light transports, bound from Newport to New York, were cast away at Sag Harbor and Gardner's Island, in the late storm. At the same time, we received a letter from the commanding officer of the Fort at Wyoming, that they had been surrounded by a number of tories and Indians, who had destroyed several houses and barns, and carried off a considerable number of cattle.

Thus, sir, we have re-collected and narrated every thing that hath the appearance of news. As we are situated at the very centre of intelligence, and this is an interesting period, it is natural to think that we are but seldom without news of importance ; but it is not the fact. Weeks frequently pass away without a word of information. We hope, therefore, that we shall not be censured for not writing oftener than we do. Whenever anything occurs that respects the states, or is of any consequence, you may be sure of having it by the first conveyance. It may possibly have reached our State, that this State, nicely jealous of their honor, had conceived that they were not treated with the same respect and justice as had been shown by Congress to others. There have been such suspicions, but they are happily removed. Union and harmony are the great supports of our Independency. We have not received the copy of one act, since we have been here, passed by our State, in pursuance of recommendations of Congress ; nor of any other acts, saving one respecting a supply of provisions, and one relative to our quota of the tax. We should be glad to know what passes in government. We are frequently under embarrassment for the want of such knowledge.

We are, this moment, informed that the French minister hath received advice that Count D'Estaing is reinforced, and now hath one more ship than Byron, and that the French have retaken St. Martins and another small island ; have also retaken a frigate and taken the Liverpool.

We have postponed writing until the post was ready to go out ; we write in

Congress, and therefore hope that our errors and inaccuracies may be candidly forgiven.

We are, with the highest sentiments of respect,

Your Excellency's most obedient, humble servants,

WILLIAM ELLERY.

JOHN COLLINS.

MESSRS. ELLERY AND COLLINS TO GOV. GREENE.

PHILADELPHIA, April 20th, 1779.

SIR:—After having made the necessary preparation, we moved Congress, agreeably to your directions, on Saturday last. Our motion met with great opposition, owing principally to the State's offering an additional pay of six pounds per month. If this was allowed, it was said, that Congress would be obliged to advance the pay of the Continental battalions, which would occasion such a large sum of money to issue, as would entirely overwhelm and destroy the sinking credit of our currency. We were obliged to submit to an amendment to this purpose, that the said brigade should be entitled to Continental pay, clothing, subsistence, and to a bounty not exceeding two hundred dollars. Congress adjourned before the amendment passed. Yesterday we brought the matter on the carpet again, when the bounty was objected to, it being the same as the bounty given to Continental soldiers, who should enlist during the war. After much debate, it was reduced to one hundred and fifty dollars, which is the bounty offered by the State. The reason why two hundred dollars bounty was proposed, was because that was the bounty which was allowed to the troops to be raised in North Carolina and Virginia. We imagined that we had got through all our difficulties; but now it was contended that the resolutions did not restrain the State from giving the additional pay, and that it ought to be restrained; and therefore an amendment was proposed that, after approving the raising a brigade to be clothed, paid, subsisted, and to be allowed a bounty not exceeding one hundred and fifty dollars, words like these should be added:—"Upon these conditions, that the State should not give any additional pay to the Continental pay." Here a debate arose, which was continued until the time arrived for an adjournment. How this matter will be decided, or when, I cannot tell. We are determined to attempt bringing it on this day again.

While I was writing the last sentence, an opportunity offered, we embraced it, but was obliged to give way to the order of the day. We will continue to urge this matter to a conclusion, until it be finished. Since this motion hath been on the carpet, we have received a letter from the Lieutenant Governor, in which he desires that Congress might determine

which they would choose,—the Continental battalion should be filled, or the proposed brigade. We have not proposed that question, because it would, in our opinion, entirely defeat the design of the Assembly, expressed fully in your Excellency's letter, and we were uncertain whether his honor's letter was private or official. Mr. Ellery hath written fully to the Lieutenant Governor on this subject, and begs your Excellency to be referred for want of time, and on account of the situation he writes in, to that letter. We have laid the business of the alteration of the route through our State before the post office committee, and the committee have directed Mr. Hazard to take measures immediately for the post's proceeding in his usual route. I saw Mr. Hazard this morning, and he assured me that he would immediately pursue the orders of the committee.

We have nothing new, excepting what is in the enclosed papers. It is said that a vessel hath arrived at Chesapeake bay, from France. Whether it be true or not, we cannot tell, nor whether it be true she hath brought any news. We are in daily expectation of intelligence from Europe. When any arrives, we will communicate it. We have only to add now, that we are, with the highest sentiments of respect,

Your Excellency's most obedient, humble servants,

WILLIAM ELLERY.

JOHN COLLINS.

GOV. GREENE TO MESSRS. ELLERY AND COLLINS.

PROVIDENCE, April 26th, 1779.

GENTLEMEN : — At the request of the Council of War, I enclose an open letter to Congress for your perusal. You will immediately seal and present it. Your intimate acquaintance with the subject will enable you to urge many additional arguments in support of our request. And I am desired by the Council of War to instruct you to exert your utmost endeavors to obtain an early and satisfactory answer. Should Congress comply with our request, you will immediately have a copy of orders transmitted to Gen. Washington, and another copy by express to me. The Secretary informs me that he hath in the office but two Continental commissions for privateers. You will therefore apply for some and send them by the same or the first good conveyance.

I am, with great esteem, gentlemen,

Your most obedient and most humble servant,

WILLIAM GREENE.

COUNCIL OF WAR TO PRESIDENT OF CONGRESS.

STATE OF RHODE ISLAND, &C., IN COUNCIL OF WAR., }
PROVIDENCE, April 26th, 1779. }

SIR : — In December, 1776, the enemy took possession of Rhode Island, with a great force, and the other islands, belonging to our State consequently fell into their hands. The remaining part of the State is only a strip of land bordering upon the sea, not having a fort in it twenty miles from a good landing place. Rhode Island is nearly the centre, from whence the enemy may arrive at Providence, (which at present is the capital of the State,) or at any other of the trading towns, in so short a time after their embarkation, that it will be impossible to assemble a body of militia to oppose them before they have affected their business and retreated. And further, our most fertile land lies upon the coast, exposed to the ravages of the enemy. In this situation, not having any Continental troops in the State, and receiving but little assistance from the neighboring states, we ordered a brigade of 1800 men, to be raised for fifteen months, and were obliged for some time to call the whole militia upon duty, and to keep out one-third of all our fencible men many months.

In the spring of 1777, an attack upon Rhode Island was meditated, but after collecting a comfortable body of men, it was given up. By the preparation for this attack, the State was put to very great expense, and was much distressed. In September following, the plan of another expedition to Rhode Island was concerted, in which more than half the fencible men in the State were employed for a month. This also failed. In the spring of the year following, the brigade having served their limited time, we were obliged to raise another of 1500 men for twelve months. We continued from time to time to call forth a considerable part of our militia, until August, 1778, when the last expedition to Rhode Island took place. In this expedition, so intolerable had been the suffering of the inhabitants, and so great their zeal to expel the enemy, that all our fencible men were ordered into the service. The Convention of the New England states, which met at Providence, in December, 1776, were so sensible of the inability of this State to defend itself against the common enemy, that they entered into stipulations, that the three other states should furnish certain quotas of men for the defence of this, which were approved by Congress. These stipulations, we are sorry to say, (though sometimes partially,) were never fully complied with. Indeed, for months together, we have had no troops from either of those states. Owing to these causes, we have been under the cruel necessity of taking the inhabitants from their farms in the

season of plowing, planting, sowing, and gathering in their crops ; by which means husbandry hath been neglected, the State impoverished, and we are now almost upon the verge of a famine. Since the arrival of the brigade under the command of Gen. Varnum and Gen. Glover, and of Col. Jackson's regiment, the State hath been much eased. We have, nevertheless, been obliged to keep part of our militia upon duty. The enemy are now six thousand strong, in the very heart of the State. The time for which the State's brigade was enlisted expired on the 16th of March last. Another is ordered, but as yet we have reinlisted but about three hundred and fifty of them, owing principally to the want of money to pay their bounties, and the great discouragement the service hath received by the soldiers not having been paid any wages for several months past. The states of Connecticut and New Hampshire do not even encourage us to expect a single man from them. Massachusetts Bay, it is true, has ordered a regiment of five hundred to our relief, of which about forty only have arrived ; nor do we see any prospect of their soon completing the number ordered. The enemy are in possession of one-third part of the whole State, in value. Our commerce, from whence we derived great part of our subsistence, is in a manner annihilated. The inhabitants have been harrassed beyond measure. The State is burdened with debt, reduced to poverty, and cannot even support their brigade now raising, without the aid of Congress. And we have not, exclusive of our own militia, more than 3000 men upon duty in the State. In this most critical and deplorable situation, we are much surprised at an order received from his Excellency, Gen. Washington, for Gen. Glover's brigade to hold itself in readiness to march from the State, upon the shortest notice. The duty we owe to ourselves and to our country compels us to remonstrate against this order. Should it be carried into execution, our whole sea coast must be depopulated, unless we call forth our militia to guard against it. And of the two evils we can hardly say which we would choose. Nay, our very existence as one of the United States will be greatly endangered.

We cannot avoid observing that a distinction seems to have been made between this and every other state invaded by the enemy ; there being no other in which the enemy have posted themselves with force, left in so defenceless a condition. Nor can we help humbly giving our opinion that there is no place where so great proportions of the Continental troops can be more usefully employed than in this State, which at present contains a third part of the whole strength the enemy have in the United States. We, therefore, must earnestly request Congress, to take the matter in immediate consideration, and to give directions to his Excellency Gen. Washington not

to call Gen. Glover's brigade out of the State, until it shall be replaced by an equal number of other Continental troops.

At the request, and in behalf of the Council of War, I have the honor to subscribe myself, with great respect, sir,

Your Excellency's most obedient and most humble servant,
WILLIAM GREENE.

WILLIAM ELLERY TO GOV. GREENE.

PHILADELPHIA, May 4th, 1779.

SIR:— After encountering every obstacle that ingenuity could throw in the way of our motion, and after amendments and postponings without number, at length Congress, this minute, came to the enclosed resolution, which was the best that our utmost efforts could obtain. The post, being just about to set out, will not admit of our enlarging. The only news that we have to communicate is an annunciation of the birth of a princess, in a letter from the King of France to Congress, with fresh assurances of his friendship.

We beg leave to renew our expressions of regard for the State of Rhode Island, &c., and to your Excellency, and to assure you that we are

Your Excellency's most obedient, humble servant,
WILLIAM ELLERY.

P. S.—Time will not allow my waiting for Mr. Collins to sign this letter.

The resolution referred to was as follows:—

That Congress approve the raising of a brigade of 1500 men by the State of Rhode Island and Providence Plantations, for the common defence of that and the United States, for the space of one year; to be entitled to Continental pay, clothing and subsistence, and a bounty not exceeding one hundred and fifty dollars, for every non-commissioned officer and soldier; upon condition that no further or other wages be allowed to the said men, by the said State, than what is paid to other Continental troops.

MESSRS. ELLERY AND COLLINS TO GOV. GREENE.

PHILADELPHIA, May 8th, 1779.

SIR:— We had the honor of enclosing in a letter hastily written to your Excellency, last Tuesday, a copy of a resolution of Congress, approving the raising of a brigade in the State of Rhode Island, &c. And on Friday morning last, received your letter of the 26th of April, enclosing a letter to Congress open. We perused, sealed and presented it to the President. It

was read and referred to Gen. Washington, as you will see by the enclosed resolution.

We took this opportunity and brought upon the tapis our motion recommending to our sister states to send to and keep up their quotas of militia in our State,—which passed. A copy of it we now enclose to your Excellency. We will procure the commissions you require and send them by the post. We have spoken to the President for them, but he could not prepare them to be sent by this opportunity. We hope that the resolutions of Congress will be agreeable to the State and produce happy effects. The condition annexed to the resolution approving the raising a brigade in our State, we would have prevented if it had been in our power, but it was impossible as you will see when the journals are printed. As to those soldiers who shall be enlisted before the resolution reaches your Excellency there can be, we think, no difficulty. As to those who may be enlisted thereafter, the State will add their bounty, or devise some other method which will give them satisfaction without violating that condition. If Congress should have approved of giving additional pay to the soldiers of our brigade, they must have advanced the pay of all the Continental soldiers, which, at this time, would prove ruinous to our finances. When money is wanted to pay the troops in our State, or for other military purposes, the best way would be for the paymaster to write to the Treasury Board, setting forth the sum wanted, and the uses to which it is to be applied, and to have his application backed by the commanding officer, in his department. A sum of money which issued from the treasury for the paymaster, not long since, we imagined, had not reached the State when your letter was wrote.

A letter from Gen. Gates, in which he applies for money, came to Congress by the last post, and is referred to the Treasury Board, with the President whereof I have conversed on the subject. The recommendation to our neighboring states, to send to our defence their stipulated quotas, will, we believe, have little or no effect upon Connecticut, her shores being exposed to the enemy. We expect that it will stimulate New Hampshire and Massachusetts Bay to a performance of their engagements, for they are without any reasonable excuse. We trust that Gen. Washington will attend to the necessities of our State, and not deem it inconsistent with the good of the service to let Gen. Glover's brigade remain there, at least until our brigade shall be completed, and our sister states shall have furnished us their quotas. We were about to write to him upon this subject, but, upon being informed by Col. Wheelock, the bearer of your Excellency's letter, that the State had written to Generals Washington and Greene, we relinquish our design.

We have reason to think that Great Britain will strengthen her armies in America, and that they will exert themselves to the utmost of their power this campaign. It behooves us, therefore, to guard ourselves. They have possessed themselves of Georgia, and aim at the possession of South Carolina. If they should obtain that, and add our State to their acquisitions, which God in His infinite mercy forbid, the war would be protracted to a most ruinous length, and we must be compelled to submit to a disadvantageous and dishonorable peace. We have had no news from the southern army for sixteen days past. Col. Laurens told Mr. Ellery yesterday, that he heard it was said at New York that there had been an action between Gen. Lincoln and Prevost, in which the former had gained an advantage. We wish it may be true. Last week, the King of France, in a letter to Congress, announced the birth of a princess, and gave us fresh and strong assurances of his friendship. A committee, according to form and etiquette, waited upon the minister with their congratulations on this happy occasion, and a proper answer will be written to the letter of his most Christian Majesty. Congress are now engaged in our foreign affairs, and, as soon as they can get through them, will take up the business of financing. We are almost worn out with a constant attendance on Congress for seven months, and wish that two of the gentlemen now elected may come on immediately. If anything new should come to hand between this and the next post, we will impart it to him. In the mean time, we have only to add, that we are, with the highest sentiments of respect,

Your Excellency's most obedient servants,

WILLIAM ELLERY.
JOHN COLLINS.

In May, 1778, Congress was in session in Yorktown, Pennsylvania. On Wednesday, June 24th, it was resolved that, on the Saturday following, the meeting should be adjourned to the second day of July, then to meet at the state house in Philadelphia. On Tuesday, July 7th, a quorum assembled there for business. President Laurens resigned his office on the 9th of December, and, on the following day, John Jay, a delegate from New York, was elected to succeed him.

In the beginning of May, 1778, Congress received dispatches from the Commissioners of the United States, among which was a treaty of alliance and commerce between France

and the United States. On the 6th day of August following, Mons. Gerard, the Minister Plenipotentiary of France, had an audience with Congress. French vessels of war soon appeared on the coasts of this country, giving countenance and efficient aid to the States, and inflicting serious injuries to the commerce of Great Britain. Dr. Franklin was appointed Minister Plenipotentiary to France, on the 14th of September, 1778.

Congress continued its exertions to keep up the value of bills of credit, and this State, with others, united in the labor. So, also, in regard to the monopolizing of articles of food and necessaries for the army, and the regulating of the prices of such articles. But bills of credit continued to depreciate as the quantity in circulation was increased, and the time of payment was, by circumstances, deferred. Nominal prices of all articles, of course, advanced in the same proportion that the value of the circulating medium depreciated.

Reference has been had to Sullivan's expedition on Rhode Island, and the burning of Warren and Bristol. These were the only military movements in this State during the year.

It appears from the Journals of Congress that the services of the delegates from this State were required on many committees, and some of great importance. On the 9th of June, a letter from Gen. Washington was referred to a committee of three; on the 11th, another letter from Gen. Washington, enclosing one of the 9th, to him, from Gen. Sir Henry Clinton, informing him that the Earl of Carlile, Mr. Eden, and Gov. Johnstone, three of the commissioners for restoring peace, had arrived in Philadelphia, and requesting a passport for Dr. Ferguson, their secretary, with a letter from them to Congress, and a copy of Gen. Washington's answer, were referred to the same committee. The committee consisted of Mr. R. H. Lee, Mr. S. Adams, and Mr. Marchant. On the next day they made a report in relation to the letter of the 9th,

and its enclosures, On the 13th, while this matter was under debate, there arrived another letter from Gen. Washington, and one from the British Commissioners, directed to "His Excellency Henry Laurens, the President, and other members of Congress," and dated June 9th. This letter contained offensive language against his most Christian Majesty, upon coming to which the further reading of the letter was suspended. The other papers accompanying this letter were read on the 16th, and referred to a special committee of five. They consisted of two other letters from the said Commissioners, a copy of the commission under which they acted, and three acts of Parliament. In the afternoon the committee to whom the letters and papers of the British Commissioners had been referred, reported a draft of a reply, which was unanimously adopted. It was as follows:—

I have received the letter from your Excellencies, of the 9th instant, with the enclosures, and laid them before Congress. Nothing but an earnest desire to spare the further effusion of human blood would have induced them to read a paper containing expressions so disrespectful to his most Christian Majesty, the good and great ally of these states, or to consider propositions so derogatory to the honor of an independent nation. The acts of the British Parliament, the commission from your sovereign, and your letter, suppose the people of these States to be subjects of the crown of Great Britain, and are founded on the idea of dependence, which is utterly inadmissible.

I am further directed to inform your Excellencies, that Congress are inclined to peace, notwithstanding the unjust claims from which this war originated, and the savage manner in which it has been conducted. They will, therefore, be ready to enter upon the consideration of a treaty of peace and commerce, not inconsistent with treaties already subsisting, when the King of Great Britain shall demonstrate a sincere disposition for that purpose. The only solid proof of that disposition, will be an explicit acknowledgment of the independence of these States, or the withdrawing of his fleets and armies.

I have the honor to be your Excellency's

Most obedient and humble servant,

HENRY LAURENS.

Notwithstanding the explicit terms of the foregoing letter, the British Commissioners sent another letter to President Laurens, which was received on the 18th. As it did not contain that evidence of a disposition for peace that Congress had intimated, they resolved that no answer should be given to it. They ordered it published with their resolution, and also two letters from Gov. Johnstone,—one to Robert Morris, Esq., and one to Mr. Dana, a delegate from Massachusetts. For it had been ascertained that some one or more of these Commissioners had been attempting to influence, not only delegates in Congress, but influential individuals in different states, to sacrifice their country and join its invaders. These practices, especially on the part of Gov. Johnstone, one of the Commissioners, drew from Congress, on the 11th of August, a public declaration and manifesto, setting forth the particular facts of this character known to Congress, accompanied by the following resolutions :—

RESOLVED, That as Congress feel, so they ought to demonstrate the highest and most pointed indignation against such daring and atrocious attempts to corrupt their integrity.

RESOLVED, That it is incompatible with the honor of Congress to hold any manner of correspondence or intercourse with the said George Johnstone, Esq., especially to negotiate with him upon affairs in which the cause of liberty is interested.

In the course of the investigation on this subject, it appeared that Gov. Johnstone had caused Joseph Reed, one of the delegates from Pennsylvania, to be informed that, if he would engage his interest to promote a reünion between the two countries, he (Mr. Reed) might have £10,000 sterling, and any office in the colonies in his Majesty's gift. Mr. Reed's reply is worthy of note. "He was not worth purchasing, but such as he was, the King of Great Britain was not rich enough to do it." The publication of facts like these

tended, in a great degree, to neutralize the acts of the British Commissioners, still they continued to circulate their manifesto and declaration in the states, offering a pardon to all who should, within a certain time, withdraw from the military service of the colonies. Sometimes they did this under the sanctity of a flag of truce. Congress again foiled their attempts by resolutions declaring that the agents for such purposes should not be protected by a flag of truce, and directing, at the same time, such seditious papers, when found on any such agent, to be published in the newspapers. At the expiration of the time assigned, receiving no applications for pardon, the Commissioners returned to Great Britain.

As a further specimen of the forms of correspondence adopted by Congress, is the following, signed by the Secretary, in reply to a letter directed to "His Excellency Henry Laurens, Esq., the President, and others, the members of the American Congress, at Philadelphia," signed "H. Clinton," and dated at New York, September 19th, 1778:—

SIR, I am directed to inform you that the Congress of the United States of America make no answer to insolent letters.

I am, &c.

On the 22d of June, a letter from Gen. Sullivan, enclosing one from Gov. Trumbull, and one from Gov. Greene, was referred to Mr. S. Adams, Mr. Wentworth, Mr. Ellery, Mr. Sherman, and Mr. Hancock. It resulted in the recommendation of Congress to Massachusetts to send forward more soldiers to Rhode Island than the quota formerly agreed upon; to Gen. Washington to order the Continental battalion of the State to march to the relief of the State, if it could be done without injury to the general cause; to the board of war to furnish Gen. Sullivan with 2000 muskets; and to the navy board to build three galleys for the defence of the State. On the 9th of June, Mr. Marchant and three others

were added to the treasury board. He was also one of the committee to whom was referred the papers relative to Col. Flowers, commissary general of military stores, for malpractice in office. They reported, after a minute inquiry, that the charges were groundless. A memorial of the commissary general of prisoners was referred to Mr. Dyer, Mr. Witherspoon, and Mr. Marchant. Subsequently several letters and petitions in relation to the subject matter of the memorial were sent to the same committee. On the 26th of August, a letter from the board of war was sent to a committee of three; on the 6th of October, a letter from Gov. Houston, of Georgia, to a like committee, and on the 20th of October a letter from the commissary general of purchases. Mr. Marchant was a member of each of these committees. Congress, on the 27th of October, appointed Mr. S. Adams, Mr. Scudder, Mr. Sherman, and Mr. Marchant to investigate reports, that the indulgence of parols had been granted to prisoners of the convention troops, (Gen. Burgoyne's,) in consideration of money paid for the same. On the 1st of October, a letter from the board of war was referred to a committee of five, one of whom was Mr. Marchant.

Mr. Ellery was added to the committee on commerce the day after he took his seat in November. On the 12th of December, a letter from W. Bingham, at Martinique, enclosing a copy of one from him to Gov. Burt, and the Governor's reply, relative to the exchange of prisoners, was referred to Mr. Paca, Mr. Ellery, and Mr. G. Morris. Mr. Collins was also placed on the committee appointed January 4th, 1779, to apportion the quotas of taxes to be paid by the states, during the year, for redeeming the Continental bills of credit. On the following day, Mr. Paca, Mr. Ellery, and Mr. Laurens were added to the committee on the post office. In January, 1779, Congress caused an investigation to be made relative to certain charges made against Robert Morris, in

transacting the commercial business of the United States, by a committee consisting of Mr. M. Smith, Mr. Ellery, Mr. Ellsworth, Mr. Paca, and Mr. S. Adams. They reported that Mr. Morris had acted in the matter investigated "with fidelity and integrity, and an honorable zeal for the happiness of his country," which report was adopted unanimously by Congress.

On the 20th of January, Congress appointed a committee "to take into consideration the foreign affairs of the United States, the conduct of the late and present commissioners of these states in Europe," among whom was Mr. Ellery. This committee reported April 15th.

The inhabitants of Bermuda, by a memorial to Congress, represented that they were in deep distress for the want of provisions. It was referred to Mr. Ellery, Mr. Fell, and Mr. Laurens. They reported that the statement in the memorial was true, but that there were two British ships of war there stationed, and the garrison manned by British soldiers; and therefore it was not certain that provisions sent to the relief of the inhabitants, would ever reach them. The committee, it seems, swayed by duty to their country, disregarded the pleadings of humanity, and reported against the petition of the memorialists for relief. The states were equally divided on the question, and recommitted the memorial and report. On the 7th of May, the committee so far yielded to the distresses of these islanders, that they recommended that the executives of Pennsylvania, Delaware, Maryland, Virginia, and North Carolina do permit one thousand bushels of Indian corn to be exported from each, for their relief. Congress then resolved, by a large majority of states, that it is "highly inexpedient to grant the prayer of the memorial." The matter came up again before Congress on the 17th of May, when another committee reported that they were satisfied that the distresses of the Bermudians had not been exaggera-

ted, and that any provisions arriving at the island for the inhabitants, would be faithfully and entirely applied to their use ; and, therefore, reported the same resolution which had been rejected on the 7th ; which resolution, after being amended by striking out North Carolina, was passed, only three states voting in the negative.



CHAPTER V.

1779 TO MAY, 1780.

STEPHEN HOPKINS, William Ellery, Henry Marchant, and John Collins elected Delegates at the General Election in May—Commissions—Attendance of the Delegates—Correspondence between the Delegates and the Executive—Summary of the Sessions and Acts of Congress—Review of the Labors of the Delegates from Rhode Island.

At the general election in May, 1779, Stephen Hopkins, William Ellery, Henry Marchant, and John Collins were elected delegates from this State, for the year ensuing. They received commissions of the following tenor :—

BY HIS EXCELLENCY WILLIAM GREENE, Esq., Governor, Captain-General, and Commander-in-Chief of and over the State of Rhode Island and Providence Plantations,

To ————, Esquire,

Greeting :

WHEREAS, By the free vote of the freemen of said State, on the first Wednesday in May, inst., you, the said ———— was elected a delegate to represent the said State for one year, in the General Congress of delegates from the thirteen United States of America, sitting at Philadelphia, in the state of Pennsylvania, or wherever the same may sit ; I do, therefore, in the name of the Governor and Company of the said State, hereby authorize, empower and commissionate you the said ————, in conjunction with the other delegates that are or may be elected delegates of the said State, or separately or alone, in case of the sickness or necessary absence of the other delegates of the said State, to represent the said State in General Congress ; and, in behalf thereof, to join with the delegates from the other states, or major part of them, in all such measures as shall be

thought best for defending and promoting the welfare of the said United States, agreeably to the instructions given, or that may be given you, by the General Assembly.

This commission, so far as it empowers you to act separately and alone, is to continue good in that respect, until the ratification of the Articles of Confederation by each and every of the thirteen United States, upon which event any two of the said delegates, if no more than three are present, or otherwise the major part of those present are empowered to execute this commission, which is also to be understood to continue in force until you shall be superseded, and another delegate shall appear to take your place.

Given under my hand and the seal of the said State, this 8th day of May, A. D. 1779, and in the third year of the Independence of the United States of America.

By his Excellency's command, _____, Governor.

_____, Secretary.

At the date of this commission, Mr. Ellery and Mr. Collins were attending Congress. On the 14th of June, Mr. Marchant produced the credentials of the delegates from this State. For a short time, the State had three delegates present in Congress. Mr. Ellery obtained leave of absence on the 2d day of July, and did not return to his seat until the 30th day of November, on which day Mr. Marchant obtained leave of absence, and did not resume his seat during the year of his appointment. Mr. Collins appears in his seat up to September 24th. Soon after that, he left and returned on the 4th of February, 1780, and remained during the year of his appointment. He was intending to return to Philadelphia in December, but the General Assembly interfered and directed him not to go, until he should be specially directed by that body. No such directions appear subsequently on the records. No general provision seems to have been made for the payment of delegates, up to the close of this year. At the December session, 1779, Mr. Marchant presented his account, audited by the State Auditor, in which he charged—

1779.

June 3d. To the expenses of myself and servant, and two horses, from June 3d, to Dec. 18th, 1779, to, at and from Philadelphia, as per account of particulars,	£2089 09s. 9½d.
To my services and the use of my two horses during the above, being 198 days, at £12 per day,	£2376 00s. 00d.
	£4465 09s. 9½d.

The "account of particulars" was probably left with the auditor. At the time of his election, the State advanced him £600.

At the February session, 1780, the number of delegates to be elected was regulated by the following vote:—

IT IS VOTED AND RESOLVED, That four members only be chosen annually to represent this State in the General Congress of the United States of America.

WILLIAM ELLERY TO GOV. GREENE.

PHILADELPHIA, May 25th, 1779.

SIR:—Congress has resolved to recommend to the states, an additional tax of forty-five millions dollars, to be paid in by the first of January next. The resolve passed the 22d instant. An address is preparing to accompany it, which, with the resolve, will be transmitted to the respective Governors as soon as it shall have passed Congress. Is not this a bold stroke? Now for a peremptory loan. After various reports respecting the fleet which was seen off Chesapeake, it is at length confirmed that they have entered the Bay, passed up the James river, taken possession of Portsmouth and Suffolk, burned part of each of them, and committed every species of devastation that their savage imaginations could suggest. It is said that they intend to destroy Hampton and Williamsburg, and then proceed up the Bay and destroy Baltimore. The militia of Virginia was collecting, and I hope will check their career. It was reported, and with circumstances which induce credibility, that Mr. Clarke, a militia Colonel of Virginia, who is posted at Illinois, had surprised Gov. Hamilton, of Detroit, with a party of thirty men, and taken him and them prisoners. The Governor, it seems, with his party and a number of Indians, had taken a post of ours called

Vincent, about three or four hundred miles below Fort Pitt, and had in contemplation the retaking of Illinois, when he was surprised. The Indians which he had had with him happened luckily to have left him a few days before he was captured.

Congress has passed several resolves declarative of their powers respecting maritime causes, and directed the President to transmit them to the states. These resolutions were occasioned by the difficulties which have occurred in the case of the sloop *Active*, about which much hath been written and published in the gazettes of this town; and by the disallowance of appeals, in the Massachusetts Bay, from the determination in maritime causes.

The plan of finance will, I hope, be soon completed, and be acceptable to the several states. The delegates from the State of Rhode Island objected to the sum recommended to be raised, and to the time for collecting and paying it into the treasury; because they thought the sum too large, and the time too short, and for other prudential reasons. Our State, I presume, would wish to pay off their part of the Continental debt as soon as possible, and give every aid in their power to check the career of depreciation; but seven hundred and fifty thousand dollars, in addition to the sum already voted to be raised, is a large sum to collect from a State under the circumstances ours is in, in so short a period. Perhaps it might suit best to hire a part; but of that the wisdom of our Assembly will form the best judgment. I think there was only one state besides ours against the sum and time. The great majority, on this occasion, and the declarations made by members during the course of debate, induced me to believe that great exertions will be used to collect their quotas. The more that is collected by taxation, the less it will be necessary to loan, in order to put a stop to further emissions, which is the wish of all. A stoppage of the press once effected, our liberties are established, and an end is put to the war. Our enemy's whole dependence now rests upon our being crushed with whole reams of depreciated paper money. Once remove that ground of hope, and they will offer us, as proud and haughty as they may be, honorable terms of peace. I believe we shall give our white and tawney foes to the westward a home stroke this summer, and perhaps a brilliant stroke may be made in another quarter. Heartily wishing for such happy events, the safety of our little State, and the health of your Honor,

I am, with great respect, your most obedient servant,

WILLIAM ELLERY.

P. S.—The enclosed paper came to hand after I had written the foregoing.

The address referred to was prepared by Mr. Dickinson, Mr. Drayton, and Mr. Duane, and adopted by Congress on the 26th of May. It is an eloquent and patriotic paper, worthy of its authors.

It came before the General Assembly at their session in June. They ordered it printed in hand bills, and directed the hand bills to be sent to the several ministers of the gospel within the State, with the request that "they would read the same to their respective congregations the first Sabbath after their receiving the same, immediately after divine service." The Secretary was further directed to distribute said hand bills to the town clerks in the State, to be by them communicated to the inhabitants.

MESSRS. ELLERY AND COLLINS TO GOV. GREENE.

PHILADELPHIA, May 25th, 1779.

SIR: — We received your Excellency's letter of the 8th instant, yesterday. We waited upon Mr. Hazard and informed him of what you had written. He said that there was a mistake in the matter; for that he had written to Mr. Hastings, post master in Boston, and Mr. Carter, post master in Providence, that the post was to pursue its old route through our State; and that he should set out for the eastward this day, and would rectify the error. The fleet which sailed from New York the 5th instant have entered Chesapeake Bay, passed up James River, destroyed the towns of Portsmouth, Suffolk, and Hampton, and committed every kind of barbarity and outrage. Despairing of conquest, it seems to be the determination of the enemy to destroy our commercial towns, and desolate the country so far as their detached parties can penetrate. It is reported, and with such circumstances of credibility as to induce belief, that Col. Clarke, a military Colonel of Virginia, who sometime ago took, and was posted at Illinois, had surprised Hamilton, the Governor of Detroit, with a party of thirty men, at Port St. Vincent, on the Wabash, and taken him and them prisoners. The story says that the Governor was about collecting a large body of Indians, over whom he hath great influence, in order to retake Illinois, when he was surprised.

Congress hath passed a resolve recommending it to the states to raise an additional tax of forty-five million dollars, to be paid into the treasury by the first of January next. This is a capital part in the plan of finance,

which is under consideration. When the whole is completed, it will be made public.

Enclosed is the paper of this day, which gives a full account of the barbarities perpetrated by the enemy in Virginia. We have nothing at present further to add than that we are, with great respect,

Your Excellency's most obedient servants,

WILLIAM ELLERY.

JOHN COLLINS.

MESSRS. ELLERY AND COLLINS TO GOV. GREENE.

PHILADELPHIA, June 1st, 1779.

SIR:— We received your Excellency's letter of the 13th of May, yesterday, and in answer to it, be pleased to be informed that Mr. Ellery was favored in February last with two letters; one from Col. Greene, the other from Lieut. Col. Ward, both enclosing similar arrangements of the first battalion of Continental troops, raised by our State. On the 14th of February, Mr. Ellery wrote a letter to Gen. Washington, to whom was communicated the arrangement of the army, enclosing Col. Greene's letter and his list of arrangements for his battalion; in answer to which, Gen. Washington writes thus:—

“Headquarters, Middle Branch, 22d April, 1779.

SIR:— Your favor dated 14th February, only reached me yesterday. The arrangement of the two Rhode Island regiments has been settled, and the commissions are now in my hands, waiting for an opportunity to forward them.”

The dates for the commissions in Mr. Ward's list, which is before us, agrees with the dates in the resolution of the Assembly, and the names differ only in this respect: The Assembly list hath not so many names in it as Mr. Ward's, and it contains the name of Daniel Dexter, which is not in the other. Gen. Washington hath doubtless sent forward commissions for all the officers mentioned in the resolution of the Assembly, excepting one for Daniel Dexter, and upon Col. Greene's sending to him a copy of the act of the Assembly, he will doubtless transmit a commission for Mr. Dexter.

MR. WARD'S LIST.

Christopher Greene, colonel.

Samuel Ward, lieutenant colonel, vacancy 26th May, 1778.

Ebenezer Flagg, major, vacancy 26th May, 1778.

Elijah Lewis, captain.

Thomas Cole, captain.

John S. Dexter, captain.

Thomas Arnold, captain.

John Holden, captain, vacancy 10th October, 1777.

Edward Slocum, captain, vacancy 26th May, 1778.

James Arnold, lieutenant captain, vacancy 1st June.

Daniel Pierce, lieutenant.

Zephaniah Brown, lieutenant.

Robert Rogers, lieutenant.

David Johnson, lieutenant.

Elias Thompson, lieutenant.

Enoch Stanton, lieutenant.

Charles Peirce, lieutenant, vacancy 10th October, 1777.

John Cooke, lieutenant, vacancy 1st June, 1778.

It would be exceedingly agreeable to your delegates to be furnished with the acts of the Assembly they have frequently, though fruitlessly wrote for. The letter we last wrote to your Excellency, and which had not reached you when you wrote last, we hope will give you satisfaction as to the post's route through our State. Mr. Hazard, who will be in the eastern states before you will receive this, promised me that he would rectify any error which had taken place through misconstruction or otherwise, of his letters, and see that the post should pass backwards and forwards in its old route. The last accounts from Virginia say that they had collected a considerable body of militia to oppose the enemy, and that they were embarking with great precipitation. The papers contain the last authentic advices from South Carolina. The account by way of New Providence we wish may turn out to be true. We are sorry to find that any inhabitant of our State should be so foolish and so wicked as to go over to the enemy, and that there should be any among us that are so abandoned as to supply the enemy with provisions, and hope that they will be brought to condign punishment. As it is impossible to guard the whole extent of our shores, would it not be advisable to remove the stock from such parts thereof as we cannot defend? Would it not be advisable to pass an act for confiscating the estates of tories? Is it not just that traitors to their country should loose their estates? And might not such an act intimidate persons from furnishing the enemy in future with provisions and intelligence. We submit these questions to the wisdom of the government, and are, with the greatest respect,

Your Excellency's most obedient, humble servants,

WILLIAM ELLERY.

JOHN COLLINS.

P. S. — The resolution of Congress for an additional tax of forty-five millions, and the address of Congress will reach you before this. In a short time the whole plan of finance will be completed and transmitted.

GOV. GREENE TO MESSRS. ELLERY, MARCHANT AND COLLINS.

WARWICK, STATE OF RHODE ISLAND, &c., June 3d, 1779.

GENTLEMEN : — I received your favors of the 4th and 8th of May last, which I shall be careful to lay before the General Assembly at their next session, and am sincerely desirous, the method pointed out by Congress may have the desired effect. But the brigade ordered to be raised by this State fills so slowly, notwithstanding the encouragement given by this State, that I much fear the consequence of the resolution of Congress, as the encouragement given by the State has been different.

Enclosed you will receive a resolution of the council of war, by which you will see I am to urge your immediate attention in order that the account which I have forwarded by Mr. Marchant, in favor of the State against the United States, be laid before Congress as soon as possible, after it arrives there ; and you are to use every prudent method to have the account properly adjusted, that there may be an order of Congress to issue to the keeper of the Continental treasury for the balance, whatever it may be, after adding the amount of what the Congress may think proper to allow for the slaves, which have been purchased here in behalf of the United States, to serve in Col. Christopher Greene's regiment during the war. As Congress has ordered a large number to be raised in the same way of these I have mentioned, doubt not they will think it reasonable they should all be purchased at the same price. I also enclose you the certificate from one of the committee, who was appointed to take an account of the number of said slaves, which, after the price is fixed, to charge in the amount accordingly ; and whatever balance may be found, if it should be completed before the return of Messrs. Ellery and Collins, it would much oblige this State for them to take the charge of it ; otherwise, if should not be convenient for them to wait until the matter is properly adjusted. Unless there is some other safe conveyance, that it may likely come soon, it will be necessary to let us know when it may likely be ready, that some proper person may be forwarded to Philadelphia for that purpose. Considering the exhausted state of the treasury, that there is not one hundred pounds of passable money in it, notwithstanding the inhabitants, who do not possess more than two-thirds of the State, have paid into the treasury by taxes, within six months, (except about £16,000 which is not paid,) £92,000, exclusive of £90,000 more ordered by Congress, the greater part of which is likewise paid, that there being such an amazing demand for money, owing to the

want of the balance of said account due from the United States, and being under the necessity of supplying the purchasing clothier with money to supply the State troops already raised, they being very bare of clothing, and the large sum wanted to recruit the brigade, together with the incidental charges of government, makes our burdens heavier than the inhabitants can bear ; and I must confess, I am at a loss which way we shall be able to carry on the affairs of government, unless said balance is very speedily paid.

I am, gentlemen, with great esteem,

Your most obedient, humble servant,

WILLIAM GREENE.

MESSRS. ELLERY AND COLLINS TO GOV. GREENE.

June 4th, 1779.

SIR : — The letter to which this may be considered as an addition, was to have been sent by the post, but was too late for that conveyance. Since that time we have had reports several ways, and attended with some circumstances of probability, that Gen. Lincoln had defeated the enemy in South Carolina. We are in anxious hourly expectation to receive some authentic advice from that quarter. Our last advices are as old as the 5th of May, and have been printed. The Assistant Quartermaster General, Mr. Pettit, received a letter this morning from a Deputy Quartermaster General, at the head of Elk river, dated June 3d, informing him that the day before, two of the enemy's ships were seen off Pawtuxet river, sounding the Bay, and that they were attended with a number of smaller vessels, and that he had removed the principal part of the stores from the head of Elk, &c.

Congress has ordered a loan of twenty millions Continental dollars, but has not yet agreed upon the terms of borrowing. As it may be very difficult to collect our quota of the Continental tax in season, would it not be advisable to hire a part of it at a moderate interest, to be paid when the tax should be collected. It is thought that those who hold considerable sums, would be willing to lend on this occasion. Every effort will be made by Congress to put our finances on such a footing as to stop any further emission of money ; and it is hoped that every friend to his country will lend his aid to give efficiency to this measure.

We are, with the greatest respect for your Excellency, and the warmest wishes for the happiness of the State, which we have the honor to represent,

Your Excellency's most obedient and very humble servants,

WILLIAM ELLERY.

JOHN COLLINS.

MESSRS. ELLERY, MARCHANT AND COLLINS TO GOV. GREENE.

PHILADELPHIA, June 15th, 1779.

SIR : — Mr. Marchant arrived last Saturday evening and yesterday took his seat in Congress. Your Excellency's letter of the 3d instant, referring to the State's account against the United States, brought forward by Mr. Marchant, we shall pay the utmost diligent attention to. But such are the various and extensive demands upon the treasury, and the exhausted state of it, that we have not the most sanguine expectation of immediate success. We shall not fail of every exertion to fulfil the wishes of the State, and of obtaining that relief which its circumstances demand. We enclose your Excellency the last papers, which will give the agreeable intelligence from the southward, which is fully credited, although as yet we have received no official accounts.

With the greatest respect, we are your Excellency's

Most obedient and very humble servants,
WILLIAM ELLERY.
HENRY MARCHANT.
JOHN COLLINS.

P. S. — In Congress. The last Journal of Congress is also enclosed.

GOV. GREENE TO MESSRS. ELLERY, MARCHANT AND COLLINS.

WARWICK, STATE OF RHODE ISLAND, &c., June 21st, 1779.

GENTLEMEN : — I received your favor mentioning the tax of forty-five millions dollars, ordered by Congress to be assessed upon the inhabitants of the United States, wherein you say, that you and the delegates from one other state were of opinion that the tax was too large, and ordered too soon after that of fifteen millions. I have also received your favors of the 1st and 4th instant, advising this State to hire some part of the proportion assessed on them ; and, unless the account in favor of the State, forwarded by Mr. Marchant, and mentioned in my last letter to you, can be attended to, that we may have the balance speedily, I much fear the difficulty that will very probably attend the raising of it, although the Assembly at the sessions held on the 14th instant, notwithstanding their distressed situation rather than to obstruct or any way clog the resolution of Congress, did order the sum of seventy-five thousand dollars, to be assessed upon the inhabitants of this State, one-half to be paid into the general treasury October next, and the other in December following ; and likewise ordered a State tax of sixty thousand pounds, to supply the treasury, to be paid the 1st of August next. When you consider the additional sums to t

proportion this State has to pay of the fifteen millions dollars, a considerable part of which is yet unpaid, I need not make use of any further arguments to influence you to take every prudent method to convince Congress how amazingly we are distressed for want of the balance above mentioned.

At said sessions it was likewise enacted, that two of the State's battalions should be reduced into one, and a light corps was ordered to be raised, to consist of four companies of fifty-four privates, the command to be given to Col. Barton ; and a bill was also passed regulating the militia, provided it shall be agreeable to the inhabitants of the State, it being commended to them for consideration.

I am very sorry you have not yet received the Acts of the Assembly, as you have written for them so frequently ; but, as they are now all printed up to the last session, I hope you will have them soon. Shall endeavor to urge the committee who were appointed to forward them, to forward them immediately. I most sincerely congratulate you upon the important news from our southern army, as I think there is a great probability of its being true,

And am, with very great esteem and respect,

Your obedient and most humble servant,

WILLIAM GREENE.

N. B.—I have not heard either the members of the Assembly, or inhabitants of the State, reprobate the resolution of Congress, in consequence of the tax, as there appears such a necessity for it, both to supply the Continental treasury and to appreciate the currency.

MESSRS. ELLERY AND MARCHANT TO GOV. GREENE.

PHILADELPHIA, June 29th, 1779.

SIR :— We had the pleasure of your Excellency's letter of the 21st inst. by yesterday's post. We have not failed, in the most pressing manner to urge for a determination upon our application ; but the flood of business at the Treasury Board has hitherto delayed a report. We expect one in, to-day, and shall avail ourselves of the first opportunity to obtain a determination of Congress thereon. Mr. Ellery has waited sometime, in hopes of the business being concluded ; he will wait a few days longer, in hopes of carrying a sum of money with him. But the very great expense the State is at, in the support of its delegates, he apprehends, will not justify his tarrying much longer, the necessity of his being at home and the circumstances of his family pressing for his return.

We could have wished that our late repeated and seemingly well-founded accounts from Charleston, South Carolina, had been better grounded. However, by private letters from them, dated the 19th of May, we are informed

that the enemy approached the town and demanded it, but being absolutely refused retired; that an engagement was daily expected between them and Gen. Lincoln, who was superior in force to the enemy, and very near them. The Maryland paper says that, by a Continental captain, they are informed that, on the 29th of May, an engagement had taken place between Gen. Lincoln and Gen. Provost, at Black Swamp, when the British were totally defeated. Having been so much deceived heretofore, we are almost afraid to give credit to this account, but wait with impatience for authentic accounts from that department. Reports from the West Indies and Europe are very favorable. We wait, however, for confirmation, and in the meantime, remain

Your Excellency's most obedient and very humble servants,

WILLIAM ELLERY,
HENRY MARCHANT.

MESSRS. ELLERY AND MARCHANT TO GOV. GREENE.

PHILADELPHIA, June 29th, 1779.

SIR: — Since our former letter of this day, somewhat beyond our expectations, Congress has determined upon the report of the treasury upon our application for money, and has ordered three hundred thousand dollars to be advanced the delegates from the State of Rhode Island, upon their application; the State to be accountable. However great and pressing our wants may be, this grant is as large as could be expected, considering the pressing demand upon the Continental treasury, and the determination of Congress if possible, to stop further emissions. The allowance for the black regiment raised by our State is not yet adjusted, nor have we greatly urged it, at present, as the states at the southward have not yet complied with the recommendation of Congress, in raising regiments of blacks. It will be well that we should be furnished with the amount of what that regiment actually cost the State, that, if we should not be able to obtain the sum lately allowed by Congress for raising like regiments to the southward, we may at least obtain the sum that regiment, in fact, cost the State. The abstract of the account first sent forward, and lodged in the treasury of the State against the United States, has been mislaid. We should be glad if Mr. Mumford might be instructed to make a copy; it being but a few sheets, and send it forward as soon as may be.

As Mr. Ellery proposes to set out in a few days, he will be able to explain more fully the reasons why we could not, at this time, obtain a further grant. Perhaps, at some not distant period, if the taxes should

come in with spirit, and it would be agreeable to the State to take an order on the receiver, it may be obtained, at least, for near the balance of our account.

Your Excellency's most obedient, humble servants,
 WILLIAM ELLERY.
 HENRY MARCHANT.

MESSRS. MARCHANT AND COLLINS TO GOV. GREENE.

PHILADELPHIA, July 13th, 1779.

SIR:—This day a letter was read in Congress from Gen. Washington, informing that he had called Glover's brigade from the State we have the honor to represent, upon his hearing that an embarkation had taken place of part of the enemy's force at Newport. This intelligence was very alarming to us especially, as the enemy are in considerable force in the Sound, and had attacked and entered New Haven, from whence they might soon reach Newport harbor, and, joined with the forces there, ravage our State, and even the Massachusetts State perhaps to their capital, though they appear to be very inattentive to it. We moved that the General's letter might be committed to a special committee, and that they take into immediate consideration the present situation of the State of Rhode Island, &c. This is done; but we feel ourselves much at a loss since we cannot expect any relief from Connecticut, while their whole coast is liable to the depredation of the enemy, and since, notwithstanding every argument has been made use of by our State and by Congress upon New Hampshire and Massachusetts Bay with scarce any effect; and although their very salvation depends upon preserving the small remains, as a barrier to their own. We wish for every light upon this subject, and for as good an account as possible of the number of the enemy, our force and what addition we have any prospect of raising or procuring from our neighbors; as we would not be wanting in every exertion for the salvation of the State, and the good of our *neighbors*, however lost to it *they* may be, or forgetful of their former deplorable situation and the generous and noble exertions of our State in that instant. We are well informed that five ships of the line, several frigates, and about seventy transports sailed from France in May for Martinico. The captain of a vessel arrived at Maryland, and who sailed with the above fleet, says there were between ten and thirteen thousand troops on board the said transports. We have also very agreeable and interesting intelligence from Europe, but entirely political, and such as at present we may not communicate.

We would say that nothing will prolong this war or produce a disadvantageous peace but the want of public spirit, a lost sense of our own interest,

the want of reviving the credit of the currency, which must be done by cheerful taxes, and spirited loans ; by great exertions of particular states, and the people within them, and as much as anything by filling up the battalions, placing a formidable army in the field, and pushing with vigor and spirit wherever the appearance of the enemy shall make it necessary.

Heaven has covered our fields with a garment of plenty. Our barns are fast crowding with the substantials of life ; and, while health smiles around us, let not our nerves be unstrung. Let us not forget that we still have an enemy, an implacable enemy, to contend with, for the continuance of all our blessings,—for liberty, peace and a glorious independency ! With earnest desires that we may not forfeit such blessings, but that this year may end with peace in all our borders ;—but till then, that we may recall the remembrance of our first exertions, and reanimate ourselves into great and noble self-denials, and conspicuous actions, we are

Your Excellency's most obedient and humble servants,

HENRY MARCHANT.

JOHN COLLINS.

We enclose your Excellency the weekly Journal, which has been sent in course, ever since it was published, weekly, to June, 1779.

MR. MARCHANT TO GOV. GREENE.

PHILADELPHIA, July 20th, 1779.

SIR :—By the wagon and escort which conveys the moneys to the New England states for exchanging the emissions called in, I have sent a pine box, directed to Joseph Clarke, Esq., the General Treasurer, and have written him thereupon. The box contains twenty of the second volumes of the Journals of Congress, which I was anxious the State should have, and twenty of the pamphlets called "Observations of the American Revolution." I have directed one to your Excellency, in particular, and several others to particular friends. But the twenty above mentioned are for the use of the State and their order. I now enclose your Excellency the weekly Journals, bringing them down to the 19th of June, 1779.

I congratulate your Excellency upon the noble exploit of Gen. Wayne, upon the North River. This will pretty handsomely eclipse Gen. Clinton's most inglorious pilfering, ravaging, and burning expedition, for which action of his, and his under Devil Tryon, I hope we shall have it in our power to make proper retaliation. Our affairs at the southward wear a very pleasing aspect, although our former intelligence fell entirely through. We have now certain intelligence that we attacked them in their lines, on the 20th of June, and, though not able to carry them for want of heavier

artillery, yet the attack was conducted with bravery, intrepidity, and much audacity. There is a prospect that we shall, if it hath not been done, cut off their communication with their shipping, and make conclusive work with them.

My respects to your good lady and family, and I am,

Most respectfully, your Excellency's

Most obedient and very humble servant,

HENRY MARCHANT.

GOV. GREENE TO HENRY MARCHANT.

PROVIDENCE, August 2d, 1779.

SIR : — I received your favors of the 29th of June and 13th of July last, which I should have answered before this, had I been able to obtain the account of Mr. Mumford you mention of being mislaid, which I hope to procure before I return home, so as to forward it to you by the next post, as also the amount of what the clothes cost the State, in behalf of the United States. As I have omitted writing so long, and being at Gen. Gates' headquarters, and hearing of an express just going to Congress, embrace this opportunity by way of excusing my long silence.

As to the numbers of the enemy on Rhode Island, and the number of troops upon duty in this State for the defence of it, I refer you to the General's letter, as he informs me he has written to you very particularly by this express, by which you will see the defenceless situation this State is in for want of the several quotas being continued from our neighboring States, agreeable to the agreement entered into by the convention at Springfield. Gen. Glover's brigade being called away from this, was truly alarming, but when we consider the backwardness of the United States in general, in not filling up their Continental battalions, we have not the least reason to doubt but that Gen. Washington has been under the necessity of doing it; but I must say it appears much more alarming to find the backwardness of the states in supplying their places, considering the critical situation of the State.

I am, with very great esteem,

Your obedient and most humble servant,

WILLIAM GREENE.

MESSRS. MARCHANT AND COLLINS TO GOV. GREENE.

PHILADELPHIA, August 10th, 1779.

SIR : — We this moment were honored by your Excellency's letter of the 2d instant. We lament the deplorable situation our State was suddenly

particulars of which you will doubtless have heard before this. There are, I believe, upwards of one thousand of the militia from the states of Massachusetts and New Hampshire upon duty within this State. I enclose you the certificate from one of the committee who valued the slaves that now belong to Col. Greene's regiment, none of which are appraised at more than four hundred dollars, a consideration by no means adequate to the benefit they are to the United States, as they are good soldiers and serve during the war without any other allowance than what is paid them by the Continent, when the others, doing the same duty with them, are allowed what is called subsistence money, the amount of which has been more in one year than either of them were valued at. And as Congress recommended to the southern states to raise a number of blacks in the same way, for which the owners of them were to be allowed one thousand dollars, there appears to be the same reason that the owners of those raised by this State should be allowed the same price. I am very sorry to inform you that I am not able yet to procure the account you wrote for, but hope to have it soon.

At a convention held by a very considerable number of the inhabitants of this State, who were appointed by each respective town, to take under consideration the unhappy situation of our currency, and to regulate the price of articles, a resolve was passed, recommending to the General Assembly to take some effectual method for loaning this State's proportion of the twenty millions dollars, agreeable to the recommendation of Congress. Since then, the Assembly have recommended to the inhabitants to subscribe accordingly, and I hear there are several towns which have subscribed largely already. I expect the Assembly, at their next session, which meets the 13th instant, will take some effectual method to procure whatever sum may not be subscribed, as the people appear determined to do everything in their power to prevent further emissions, and I am sincerely desirous that their abilities may admit of it. You mentioned in former letter that you was in hopes that in some future, perhaps not far distant period, we may be able to procure the remainder of the balance of this State's account against the Continent, provided it should be agreeable to take an order upon the Receiver General. I imagine there would not be the least difficulty in that respect, as it would doubtless answer towards this State's proportion of the Continental tax. When you consider the exertions of two-thirds of the State, the other being in the hands of the enemy, I say you will not be wanting, on your part, to urge the necessity thereof. Our having the remainder of the balance of our account allowed by Congress immediately.

I am, gentlemen, with very great esteem,

Your obedient and most humble servant,

WILLIAM GREENE

to represent may soon open into a long and cloudless day of security, prosperity and independency, pray

Your Excellency's most obedient and very humble servants,

HENRY MARCHANT.

JOHN COLLINS.

P. S. — The above in Congress, in great haste, but a few moments before the going out of the post.

MR. MARCHANT TO GOV. GREENE.

PHILADELPHIA, August 24th, 1779.

SIR : — I enclose to your Excellency three of the Weekly Journals, ending the 24th of July last, and the last newspapers. I most heartily congratulate your Excellency upon the fresh glory acquired to the American arms by a second brilliant stroke of the brave Major Lee, upon the port and garrison at Paulus' Hook. We are every moment in expectation of seeing the prisoners pass through the city, one hundred and sixty in number. Several skirmishes, terminating much to our honor, have happened on the east side of the river. Gen. Sullivan is penetrating the Indian country, and has destroyed one considerable Indian town. We hope for the best of the Penobscot expedition, but are not without our fears. The Count D'Estaing is doing nobly in the West Indies, and in Europe everything is as it should be, at least, as we would wish them to be. And if our people who have nobly bled in the cause, and have despised death when held in competition with their freedom and independence, will but most heartily despise the thought of growing rich upon their country's ruin, and freely lend and cheerfully give their moneys, the last dying hope of Britain will fail, and every earthly blessing will be insured to us and to our posterity for ages unborn.

I have but time to add that I am your Excellency's

Most obedient and very humble servant,

HENRY MARCHANT.

P. S. — Mr. Collins has been a day or two in the country.

GOV. GREENE TO MESSRS. MARCHANT AND COLLINS.

WARWICK, STATE OF RHODE ISLAND, &C., }
September 3d, 1779. }

GENTLEMEN : — I received your favor of the 10th of last month, by which you discover much anxiety by reason of Gen. Glover's brigade being called from this State, but I can now inform you that Col. Jackson is removed from here also, to assist in the late expedition against Penobscot; the par-

to stop the press, and all supplies must now come from the states, your Excellency will perceive that there can be no preat prospect of procuring the balance of our accounts. However, at any rate, the charge of the black regiment may as well stand, as it now does, blank for some time, as we might be very happy to procure the balance exclusive of that charge. There will, very probably, be some charges that will not finally be allowed. We will do all in our power to procure an order on the treasury at Rhode Island, for a sum amounting as near as may be our balance. But we are so doubtful of our success herein, that we would wish the State not to build much upon it. Great will be the calls for money, and great must be the exertions of the States. The time is come when we are called upon to fulfil the engagements which every one most cheerfully made at the beginning of the contest. We must part with some share of our interest to save the rest, and if we are obliged to sell some part of our estates to secure the noblest cause on earth, who is the man that will shrink from the trial. One grand exertion in freely giving and lending will, under the kindness of Heaven, put our affairs in a state of security beyond the reach of our enemies to injure.

The French Minister has letters from Count D'Estaing, off Savannah in Georgia. The plan of operations has been consulted with Gen. Lincoln and the executive powers of South Carolina, and the 9th of this month was fixed for making the attack upon the British in Georgia. Should the Count succeed there, he bends his course to the northward, to join us in such further measures during the rest of the campaign, as may most conduce to the general interest. Whether New York or Rhode Island will be the first object, we cannot say; we wish we may be able to accomplish both, and by the most decisive measures strike a deadly blow to our enemies, and rid the world of their tyranny and oppression.

We enclose your Excellency a weekly Journal, in course of those before sent, down to the 14th of August, as also the last weekly papers, and are, with great respect and esteem,

Your Excellency's most obedient and very humble servants,

HENRY MARCHANT.

JOHN COLLINS.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, Oct. 12th, 1779.

SIR: — Mr. Collins sat out last Tuesday for Providence, meaning, however, to take the camp in his tour, and proposed to wait there a few days for Count D'Estaing's arrival, and to put himself on board, if possible. Before he receipt of this, your Excellency will have received the address of Con-

MESSRS. MARCHANT AND COLLINS TO GOV. GREENE.

PHILADELPHIA, Sept. 7th, 1779.

SIR :—The delegates for the State of New Jersey, by the direction of their State, have presented the delegates of each of the other states with a printed copy of the acts of the legislature of New Jersey, beginning the 27th day of October, 1778, intending to continue the same from session to session, and requesting a like communication from us. Such a communication may be useful. Your Excellency will be pleased to lay this before the General Assembly, and to request that the Secretary furnish the delegates with an copy extra of the acts of the General Assembly, to the end we may be enabled to make the communication requested, to the delegates of New Jersey. This may, perhaps, be introductory of one more general, and which must be very beneficial.

We enclose your Excellency two of the weekly Journals in Congress to those heretofore transmitted, down to the 7th of August last, and the last week's newspapers. We congratulate your Excellency upon the brave exploit at Paulus' Hook ; upon the good news from Spain ; the further success of Gen. Sullivan against the Indians ; and, we trust, upon the reduction of Fort Detroit by the celebrated Col. Clarke, whose exploits at the Illinois in the capture of Gov. Hamilton were, not long since, announced to the public. The capture of the Jamaica fleet is a most capital stroke. Several have been brought into the southern ports. Col. Talbot's exploits and good fortune are highly pleasing, and he continues to gain with hasty steps much honor to himself and to the State.

Upon application of the town of Providence, we have procured a resolution of Congress for erecting barracks, at the expense of the United States, for quartering the troops in the State of Rhode Island, in such places as Gen. Gates shall approve. As this must greatly relieve the distresses of many of our citizens, we flatter ourselves it will not be an unacceptable piece of service.

In that confidence, and with full assurance of our unremitted zeal to serve the State we have the honor to represent, we are

Your Excellency's most obedient and very humble servants.

HENRY MARCHANT.

JOHN COLLINS.

MESSRS. MARCHANT AND COLLINS TO GOV. GREENE.

PHILADELPHIA, Sept. 28th, 1779.

SIR :—We received your Excellency's favor of the 3d inst., enclosing a certificate of the valuation of the black regiment. As Congress has agreed

sume, would be proportionably lessened. I should be glad of the sense of my constituents, upon so important a subject. Should I not receive any, I shall endeavor to act from such principles as I conceive were the inducements of their late transactions in convention.

We are in momentary expectation of hearing of Count D'Estaing near the shores. We have no late official accounts. Report says that an attack has been made upon the garrison at Beaufort, that after an action of three hours and a quarter, it was carried, nine hundred of the enemy made prisoners, all their baggage and stores taken, and their shipping there destroyed. That the Count had ordered his ships up the Savannah to coöperate with Gen. Lincoln. A few days must give us full information. Our affairs abroad are in the most prosperous train. Most of the European powers wish us well; and, if all of them do not, we know of no enemy but Britain, and we know not that they have a friend in heaven or on earth. It behooves us, however, to be our own friends, so may we expect the further blessings of Heaven, and the completion, a happy completion to the glorious struggle. And I trust Heaven is ready to hand it out to us, as soon as we shall be fully disposed to receive it.

That so glorious a day may not be far off is the sincere prayer of,

Your Excellency's most obedient and very humble servant,

HENRY MARCHANT.

P. S. — I enclose your Excellency the weekly Journals of Congress, in course, down to the 28th of August.

In the midst of business. I hope, therefore, inaccuracies will be excused.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, Oct. 26th, 1779.

SIR: — I was yesterday favored with your Excellency's favor of the 12th instant. I have, with the greatest pleasure, communicated to Congress the measures which continue to be exerted by the Legislature, and by all ranks and degrees of the good people of the State I have the honor to represent. At the same time, I have not failed repeatedly to represent the difficulties, grievous expenses and peculiar distresses that State hath hitherto sustained. I shall make an application for a further supply of moneys on account. But as all supplies are in future to be expected from the states, your Excellency will readily suggest how difficult it may be to procure such an order from Congress. My most strenuous efforts shall not be wanting, and I am confident there will not be wanting a disposition in Congress to comply with the request of the State. Yet I dare not flatter myself or the State with any great success. I enclose your Excellency the paper of the week.

I congratulate you upon the prosperous train of affairs in Georgia. The Count D'Estaing has, however, been detained longer than was hoped for, but we may expect in a few days a happy condition of affairs there, and the appearance of the Count, when, if not before, I expect to hear that Newport is evacuated. It will be a pleasing circumstance that Wallace is at length a prisoner. The enemy have destroyed the works at Stony and Verplanck's Points, and are hiving themselves in New York. I hope a sulphureous vapor will soon rise there to their utter destruction. I pray your Excellency present my respects to the Honorable the General Assembly, and assure that respectable body that I am their and your Excellency's

Most devoted and obedient, humble servant,

HENRY MARCHANT.

GOV. GREENE TO HENRY MARCHANT.

WARWICK, STATE OF RHODE ISLAND, &C., }
November 5th, 1779. }

SIR:—I received your favor of the 12th of last month, and laid the same before the Assembly, which convened the 25th of the same month, prior to which I had received the address from Congress, which has been published in the Providence newspapers; which appears, by what you mention, calling upon the states for a further supply of money to be paid monthly, to be an introduction for that purpose. For myself, I am sincerely desirous the states may cheerfully fall in with the measure, but as this State has not yet completed their proportion of the several sums heretofore required by Congress,—that is to say, of the fifteen millions and forty-five millions, as also the loan of twenty millions dollars,—though they have paid a very considerable part toward it, they did not think proper at their last session to order a further sum then, but I flatter myself they will do it timely.

As to regulating the prices of articles, I can only say, that what has been done in that respect here, has been by the people at large; that the Assembly has not given me any direction concerning that matter. The convention stood adjourned to the day before yesterday, when there were present members from ten towns only. They adjourned until next Monday week, and passed a resolve requesting that the several towns in the county of Newport would convene and choose members to meet at the adjournment in convention. There has also been a convention of the New England states and New York, respecting said affair, who, I hear, have come to a resolution to recommend to those states that the prices of articles should be regulated, and that inland embargoes should be taken off. I have, therefore, without any order from the Assembly, thought proper to give you the state of these matters, but what will be the event, I cannot pretend to say. Those embargoes

sume, would be proportionably lessened. I should be glad of the sense of my constituents, upon so important a subject. Should I not receive any, I shall endeavor to act from such principles as I conceive were the inducements of their late transactions in convention.

We are in momentary expectation of hearing of Count D'Estaing near the shores. We have no late official accounts. Report says that an attack has been made upon the garrison at Beaufort, that after an action of three hours and a quarter, it was carried, nine hundred of the enemy made prisoners, all their baggage and stores taken, and their shipping there destroyed. That the Count had ordered his ships up the Savannah to coöperate with Gen. Lincoln. A few days must give us full information. Our affairs abroad are in the most prosperous train. Most of the European powers wish us well; and, if all of them do not, we know of no enemy but Britain, and we know not that they have a friend in heaven or on earth. It behooves us, however, to be our own friends, so may we expect the further blessings of Heaven, and the completion, a happy completion to the glorious struggle. And I trust Heaven is ready to hand it out to us, as soon as we shall be fully disposed to receive it.

That so glorious a day may not be far off is the sincere prayer of,

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tend much to disunite the inhabitants of the different states, as well as greatly to distress. You have doubtless heard, before this, of the enemy's having evacuated Rhode Island, for which I sincerely congratulate you.

Since writing the above, the post has come in from Providence, without bringing an answer to your letter which I sent there, as the Secretary had the papers, and Mr. Welcome Arnold and Theodore Foster being by the Assembly appointed a committee to draw up the state of the matter, concerning the vessel that was captured by one Tyler, down at Nova Scotia, and lay the same before the Assembly. But as they have not sent me your letter, nor answer, shall endeavor to answer it by relating every circumstance, as near as I can recollect, which was as follows :—

Capt. Tyler went down to Nova Scotia, and there captured a vessel which belonged to Mr. Colt. After which he went on shore into his house, and there plundered him of about every thing he could lay his hands on, as to money and clothing, even down to baby linen which he took out of the drawers. Prior to this Mr. Colt had procured a protection from the state of Massachusetts Bay, to secure him from being captured by any of the armed vessels. He has even appeared very friendly to the inhabitants of the United States, who have been made prisoners by the enemy, and put up at his house on their way home ;—all of which appeared to the owner's advantage to that degree as to induce them to give up their claim to the vessel and articles plundered by said Tyler, which appearing to the Assembly, considering that Tyler went on shore, contrary to the resolution of Congress, they thought proper to pass an order that the vessel and articles plundered should be given up to said Colt.

I am, sir, with every sentiment of respect,

Your obedient and most humble servant,

WILLIAM GREENE.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, Nov. 9th, 1779.

DEAR SIR :—I most heartily congratulate your Excellency, the State, and America, upon the evacuation of Newport, by that most savage host that hath so long inflicted our country. It is a happy event, and I hope will soon be followed with the entire extirpation of the British from out of America.

I could have wished for your Excellency's own communication to me, of so important an event. Your Excellency and the other branches of the Legislature, amidst all the joys, will have an immediate accession of important considerations :—The future safety of the town of Newport and the State in general ; the proper line to be adopted as to the internal enemies,

which, permit me to suggest, it is expected will be wise, just and firm. Not only the present peace, but the future welfare of the State, if not America, will attend much upon this. The next, and perhaps not less important consideration will be necessary against the more open foe. Now for the town of Newport,—is it capable of a full defence? The difficulty and expense, on the one hand, and the advantages to the State and the common cause, on the other. How far the State of herself is capable of making and supporting a defence, in present and future, and how far the United States are interested therein now or may be hereafter, and how far they ought to be called upon. The best of military and political wisdom ought to be consulted upon this occasion. I am but capable of suggesting broken hints. However, such as they are, I find myself constrained to make them, from the love I bear to the true interests and happiness of the State I have the honor to represent, and the glory, happiness and independence of America.

I am, with great truth, your Excellency's

Most obedient and humble servant,

HENRY MARCHANT.

P. S. — I enclose your Excellency two of this week's Journals, of course down to Sept. 11th, 1779, and this week's papers.

GOV. GREENE TO HENRY MARCHANT.

November 9th, 1779.

SIR:—Your letter of the 19th ultimo, respecting the affair of Isaac Tyler's petition to Congress, having come to hand, I shall, agreeably to your request, attempt to state facts as I apprehend they appeared to the Assembly, and the reason which induced the Legislature to order a restoration of the property plundered by Tyler and his people, from Messrs. Foot and Corning.

At the General Assembly held in Providence in August last, Messrs. Foot and Corning presented a petition, whereof a copy is enclosed, to which you will be pleased to refer. In support of the facts alleged in this petition, a letter from the Hon. Richard Derby, jun., who had been member of the Council of Massachusetts Bay, to the President of that Council, and a paper signed by all the principal people of Salem, were read before the Assembly, asserting their knowledge of the character of the petitioners; that they had been friendly to the American cause, and had made great exertions in favor of the subjects of the United States, and soliciting that justice might be done to the petitioners, and compensation made for the damage they had sustained. A number of evidences, as well written as parole, were produced to the Assembly, specifying particular instances of the friendship of

the petitioners to the cause of America, especially Capt. Joseph Almy, in person, testifying that when he was obliged to run the brig Cabot on shore, in Nova Scotia, to escape from falling into the hands of the enemy, that the house of Capt. Foot, one of the petitioners, was an asylum where Capt. Olney and his people, to the number of one hundred and eighty men, were very kindly received, and where they remained until they consumed all the provisions in the house; that Capt. Foot and Capt. Corning, the petitioners, did everything in their power to serve Capt. Olney and his people, procured a vessel and transported all the people who belonged to the Cabot over the Bay of Fundy, whereby they were enabled to return home; that had it not been for the exertions of the petitioners, Capt. Olney and all his people must have fallen into the hands of the enemy. A person who was taken with the vessel and brought from Yarmouth by Tyler, testified that they sailed from Boston the first twenty-four hours after they left Yarmouth. But, upon consultation between Tyler and some of his people, respecting the passport or protection the vessel was under, from the Council of Massachusetts Bay, it was concluded that it would not be prudent for them to go to Boston. That they themselves altered their course and sailed for this State,—Tyler expressing himself to this effect: "It will not do for us to carry the vessel to Boston, if we do this paper will play hell with us." That this person afterwards enquired for this passport or protection, and was told by Tyler "it was safe enough." It appeared clearly to the Assembly that this paper had been in Tyler's possession, and that it was either secreted or destroyed, although he denied before the House his ever having seen it.

The following order, passed by the Council of Massachusetts State was read before the Assembly, viz.:—

STATE OF MASSACHUSETTS BAY, IN COUNCIL, }
August 6th, 1779. }

ORDERED, That the petitions of Zachariah Foot and David Corning, with the papers accompanying them, be transmitted to the authority of the State of Rhode Island, as they may take such order thereon as they may think proper for the restitution of the property of the petitioners, and such compensation for their suffering as justice may require.

True copy—Attest

JOHN AVERY.

A resolve of Congress, recommending to the several states to pass laws for preventing the subjects of these states from plundering the houses and inhabitants of the islands and country adjacent to these states, in the power of the enemy, was also read. This wise, humane, and just recommenda-

tion, perhaps, had considerable weight in determining the House to order a restitution of their property. A paper, signed by all the owners of the vessel which Tyler commanded, whereby they signified their unanimous opinion that all the property ought to be returned to the petitioners, and relinquishing all claim thereto, was also read.

The matter was taken up with a great deal of coolness and deliberation by the Assembly, and every circumstance was maturely and justly weighed. Tyler had two attorneys, Messrs. Aplin and Helme, who said everything in their power in his favor. But it was known that Tyler had been very imprudent in his former conduct; that, with the same commission, he had, not long before, without any color of right, taken a vessel and cargo out of a harbor in Connecticut, owned in that State, except part of the cargo, which was Continental property then having a clearance for another harbor in Connecticut, and brought the same into this State; that actions had been commenced against him by the Connecticut owners, and in behalf of the United States, and large damages recovered in a common law court in this State.

As it appeared clearly and fully to the House that the petitioners were very friendly to the United States, had essentially served many of their subjects, and had been plundered and robbed by Tyler and his people, in a most cruel and inhuman manner, without any authority or commission therefor,—Tyler's commission only empowering him to capture the property of the enemy upon the water, or between high and low water mark, and not to plunder the houses of unoffending people upon the land; as the vessel and cargo itself, at the time she was taken, was under protection from seizure upon this principle, that she was owned by friends who were coming in the same vessel with their effects, to reside in one of the United States, and, as from the peculiar circumstances of the case, no relief could be granted to the petitioners without the interposition of the Legislature, the Assembly, therefore, very unanimously passed the order for the restitution of the property of the petitioners, agreeably to the request and recommendation of the Massachusetts Council, there being not a single dissenting voice in the lower House.

Notwithstanding the order of the Assembly, this was a hard case for the petitioners. They lost a very great part of their property, which had been plundered and was embezzled and lost, so that no compensation was made.

You mention that Congress are a good deal alarmed at the interference of any of the states, in cases when the extent of their commissions are questioned, or which respect matters of a maritime nature transacted beyond the jurisdiction of the State; for although Congress may not interfere with the internal police of any of the states, yet it is conceived that no state can grant protection to the vessels in trade beyond the limits of their state. It

does not appear to me, that this is by any means one of those cases you refer to. In the very first article in the instructions to the commanders of private ships or vessels of war, passed by Congress April 3d, 1776, they are not only expressly forbidden to capture ships and vessels bringing persons who intend to settle and reside in the United Colonies, but are commanded to suffer such vessels to "pass unmolested, the commanders thereof permitting a peaceable search, and giving satisfactory information of the contents of the ladings and destination of the voyage. It appeared that Corning had so far exerted himself in favor of the subjects of these states, that he had rendered himself obnoxious to the enemy, and his residence at Yarmouth, on that account, had become unsafe. That he therefore had applied to the State of Massachusetts Bay to be admitted as an inhabitant of that state, with liberty to bring his family and effects; that thereupon the Council of that state granted his request, and passed the order, of which a copy is also inclosed, to which you may refer. This cannot be called "a protection to a vessel in trade beyond the limits of their state." It amounts to no more than this, that the petitioner had liberty to sell the property he brought thither, to return to Nova Scotia, and with the vessel to bring his family and effects into that state where he was born, and where he had lived the greater part of his life. It showed that he intended to become an inhabitant of that state; that he had obtained liberty therefor; and that therefore his property ought not to be liable to seizure and confiscation. A query will now arise, whether Corning and his family, with his effects, at the time and under the circumstances the vessel was taken in, in July last by Tyler, could be considered in any other light than as coming clear within the meaning and purview of that provision in the declaration and resolve of Congress, of March 23d, 1776, for confiscating the property of the enemy in these words, viz.:

"Provided always that this resolution shall not extend to a vessel bringing settlers, arms, ammunition, or warlike stores to and for the use of these colonies, or any inhabitants thereof who are friends to the American cause, or to such warlike stores, or to the effects of such settlers."

It may be said that all this might have been pleaded in the Maritime Court, and that therefore there was no necessity of the interference of the Legislature in the matter. In answer to which, it may be observed that the Admiralty Court has no cognizance of anything done upon the land; that the plundering the houses of the petitioners, in the wanton and cruel manner complained of, from the principles of common humanity, required redress. But as the petitioners, though acknowledged friends, and under protection, were not the denizens or subjects of any of the United States,

they could not therefore maintain actions at common law for recovering their property, and would not be suffered to appear and plead in any of the courts, neither would it have been in the power of the judge of the Admiralty Court to have decreed the property to the petitioners or claimants, as the same was not taken within his jurisdiction upon the water, but upon land within the body of a county.

The property plundered from the houses was not therefore even pretended to be libelled in that Court or any process against it. As therefore the petitioners could neither sue in the court of common law, nor have any hearing in the Admiralty Court, notwithstanding it was evident they were friends to and meant to become the subjects of the United States, the General Assembly, therefore, supposed this was one of those extraordinary "*casus imperii*," where it is necessary that the transcendent sovereignty of the State should interpose, that justice might be done. "*Fiat Justitia ruat Cælum*," is an old maxim founded upon this principle, that justice is due to all men. And, although it is the general rule that all legislative bodies are bound to govern according to the standing and promulgated laws, yet, when justice cannot be obtained without the interposition of the legislature, it is very common that the sovereign power in all states steps in to lend its aid, and oblige its subjects, as far as may be, to comply with the first principles of government, this being one of the most noble and distinguished prerogatives of sovereignty. In short, the parties and the cause were before the Assembly, and a full hearing and deliberation had, before a decision was given, which only obliged some of their own subjects to comply with the first dictates of justice and humanity. I cannot, therefore, imagine the General Assembly will think of conceding to a measure that will ultimately derogate from the exercise of their supreme legislative authority in the State they represent, and over which they preside.

I am, with every sentiment of respect,

Your obedient and most humble servant,

WILLIAM GREENE.

From the facts recited, no one can doubt the justice of the decision made by the Assembly in this case. That the petitioners had suffered a great wrong at the hand of the respondent, is very evident, and it is especially evident that they were entitled to redress. It is not, however, quite as evident that the Legislature was the proper tribunal to decide the question of wrong, and to award judgment. Their right to act in the matter and in the manner they did, however, is

fully justified by precedent usage. The records of the Assembly abound in instances in which similar powers were exercised by them before this and after this, down almost to the present day. They were not fastidious in the forms of their proceedings. They would never permit the forms of law to sanctify injustice, or to stand in their way. And it seemed of little consequence to them who did wrong, or what the wrong was. If they had the means of righting it, they used them.

A notable instance of the interference of the General Assembly, occurred in 1794. The British sloop of war *Nautilus*, C. W. Boynton, commander, anchored in Newport harbor to obtain some supplies. It was rumored that several impressed American seamen were among her crew. The Assembly were in session in Newport. The commander of the *Nautilus* and his lieutenant were on shore. The Assembly resolved that they should not be permitted to return to their vessel, until a committee of the Assembly had visited her, and examined her books. Capt. Boynton submitted, and gave an order for the examination by them. Accompanied by the British Vice Consul at Newport, they made the necessary search and found six American seamen unwillingly doing duty. On their report, Capt. Boynton directed them to be sent ashore to him, and, after examining into the matter, paid them their wages by the usual order on the Commissioners of the Navy, and discharged them from further duty. This was a very informal mode of accomplishing a right object. None of the discharged seamen were citizens of Rhode Island.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, Nov. 14th, 1779.

SIR : — Your Excellency, having before informed me that a warrant upon the State treasurer would be acceptable, for a sum of money to be paid out of the taxes, as they might be collected, and having since repeated to me the necessities of the State, especially as they were now called upon to pro-

vide clothing for their own troops, I have been unremittent and incessant in my applications, under but small hopes of success, merely from the state of the Continental treasury and the supplies of money which must very soon be derived only from the states. But, happily, and beyond my fears and expectations, I have obtained a report of the treasury, and a resolution of Congress thereon, in favor of the State, for three hundred thousand dollars, to be paid out of the taxes as they are or may be collected. I enclose, your Excellency, the resolution, that you may be informed without delay. The warrant will be duly forwarded.

I wish I could have congratulated your Excellency and the State upon success in Georgia. Events have been unfortunate, though many advantages have been derived from the Count D'Estaing's appearance there, and his conduct has been a proof of his highest attachment to our cause and interest, and an earnest of the future support we may expect, not only from him, but from his nation.

The proceedings of the Convention at Hartford have been received, and are under consideration. I am confident they are well approved of, for, indeed, previous to them, a committee of each state, by order of Congress, had under consideration a plan for a general limitation of prices, and the report is now ready to be made.

The Minister Chevalier E'Luzerne is to make his public entrance next Wednesday.

I expect Mr. Ellery in a few days, and I propose to set out by the 25th of this month, at farthest. I hope to meet your Excellency in health, and the State invigorated by their late deliverance.

I am, with great truth, your Excellency's and the State's

Most obedient and very humble servant,

HENRY MARCHANT.

P. S. — Enclosed your Excellency will find two weekly papers.

HENRY MARCHANT TO GOV. GREENE.

PHILADELPHIA, Nov. 16th, 1779.

SIR: — In my last I enclosed your Excellency a resolution of Congress, granting a warrant in favor of the State of Rhode Island, upon the general treasurer thereof, for three hundred thousand dollars, to be paid out of their quota of taxes. I now enclose your Excellency the warrant. In a late appointment out of Commissioners for the Chambers of Accounts, I nominated Mr. N. Mumford, and he was elected, of which I have given him notice. How far it may be to his interest, I know not, or whether he may be more serviceable within the State or in this appointment, I am uncertain.

I should wish that whenever our public accounts come to be settled, there may be some person near to explain any difficulties that may arise. He will not, and by no means ought he to be one of the Commissioners to settle and adjust. Then as he audited them for the State, by order of the General Assembly, but being present he may give much light to those to whom the accounts may be submitted for settlement. However, I had the public good in view in the recommendation, as I looked upon him as a complete accountant; at the same time I conceived it would not be disagreeable to the State, if they can dispense with his services where he is.

I was, yesterday, honored with your Excellency's letter of the 5th instant, and for the several articles of information therein, I am much obliged. As to Capt. Tyler's affair, I wrote your Excellency before;—it was committed. No report is yet made, and I am well persuaded that nothing will be reported in the least to the discredit of the doings of the General Assembly. Too much caution, however, I think cannot be used upon any great political question.

I have nothing to communicate of news but what may be in the enclosed public print, but I have still to assure your Excellency that I am

Yours and the State's most obedient and very humble servant,

HENRY MARCHANT.

GOV. GREENE TO DELEGATES.

WARWICK, STATE OF RHODE ISLAND, &c., }
19th November, 1779.

GENTLEMEN:—I wrote to Mr. Marchant two weeks past concerning the vessel captured at Nova Scotia, by Capt. Tyler, what I could then recollect, as I did not at that time receive the draft of the letter I wrote to Messrs. Ward, Theodore Foster and Welcome Arnold, they having the papers concerning the affair. If Mr. Marchant should be come away, this is to inform you that it is done by the request of a letter I received from him. By enquiring of Congress, you can, no doubt, be informed of the circumstances attending this matter; and as it is an affair that much concerns the State, I embrace the earliest opportunity upon the receipt of the draft of these gentlemen's letter to sign it and transmit the same to you, which you will find to contain the particular circumstances much fuller than that written by me above mentioned. The Council of War ordered me to write to the Board of War, concerning the clothing for the Continental troops in this department, that what was purchased here by Mr. Reynolds, might be appropriated towards clothing them; in answer to which, I received a letter from that honorable Board, stating that they have not the means in their hands for purchasing clothing for any of the officers, and that each respective State is in

future to clothe its own officers, which, perhaps, may be the most prudent method, as, in that case, they will very probably have orders from each respective Loan Office for that purpose. As the season of the year is already come, that the whole of the clothing they are to have, is much wanted, and as there is but a small sum of money in the General Treasury of this State, and considering the difficulty that attends our account already with you, a very considerable part of which as yet unpaid, exclusive of a large sum since accrued, the account of which is now making out by the Auditor, which, I hope to be able to transmit to you soon, it will be very difficult for this State, at this time, to raise any further sums for the purposes above mentioned. I shall therefore be glad, if you will move in Congress that the legislative authority of this State may have an order upon the Loan Office here, to draw whatever sum they may find necessary to complete the clothing of the Continental officers, belonging to this State. I doubt not, when you consider the necessity of this measure, you will embrace the earliest opportunity to effect it.

I am, gentlemen, with very great esteem,

Your obedient and most humble servant,

WILLIAM GREENE.

MR. MARCHANT TO GOV. GREENE.

PHILADELPHIA, Nov. 23d, 1779.

SIR:—I have nothing of moment to communicate to your Excellency since my last, save that seven or eight ships of the line and some frigates of Count D'Estaing's fleet are in Chesapeake Bay. The Count himself, with the other part of his fleet, were in Georgia when we last heard from him. What will be his next operation is not yet known. Mr. Ellery has not yet arrived, although from his last letter, I was led to expect him by the 20th of this month. I must, at all events, set out in a few days. The circumstances of my family will absolutely require it, as well as some other considerations. I enclose, your Excellency, four of the weekly Journals of Congress, bringing them down in course to the 9th of October; as also, several newspapers.

I am, with the highest esteem and respect,

Your Excellency's most obedient and very humble servant,

HENRY MARCHANT.

MR. ELLERY TO GOV. GREENE.

PHILADELPHIA, Nov. 30th, 1779.

SIR:—Mr. Marchant, who will hand this to your Excellency, will give you such information as we have to communicate. It was my intention to

have waited upon the General Assembly, at their session in South Kingstown, and to have presented my accounts, but the evacuation of Rhode Island prevented it. * Thither I was called to see whether there were any remains of the property I was once possessed of in that island, and to provide some articles for my family in my absence. All the destructible property I had there was utterly destroyed. The warm attachment I had shown to the rights of my country asked better treatment from men who had boasted of their regard to justice and humanity. If I should hereafter return to Newport, I will hope that the General Assembly will assist me in procuring some Tory habitation until better times shall enable me to provide for myself. There is a considerable balance due to me, and your Excellency and the General Assembly are sensible that in the depreciated state of my money, it requires a very large sum to give a family but slender support. I shall be much obliged to the Assembly, if they will order the General Treasurer to advance to me the sum of one thousand dollars, myself to be accountable. I hope to be informed seasonably, of the doings of the General Assembly, at their respective sessions, until my return; of the state of our taxes, loans, &c., and of every matter of a public nature; that I may be able to give every necessary information to Congress from time to time. On my side nothing shall be wanting to promote the interests of the State I have the honor to represent, and the interests of the United States of America.

I am, with every sentiment of respect,

Your Excellency's most obedient and humble servant,

WILLIAM ELLERY.

MESSRS. ELLERY AND MARCHANT TO GOV. GREENE.

PHILADELPHIA, Nov. 30th, 1779.

SIR:—Mr. Ellery arrived yesterday, and this day took his seat in Congress. By yesterday's post we were honored with your Excellency's letter of the 19th instant, enclosing a statement of the proceedings of the General Assembly, respecting Captain Tyler. We have laid that statement before Congress, who have referred it to the committee to whom the petition of Captain Tyler was referred. We conceive it will give full satisfaction to Congress, as it certainly throws the matter in a very different light from the suggestions made in Capt. Tyler's petition.

Your Excellency must, before this, have received Mr. Marchant's letter, wherein he enclosed a warrant in favor of the State for three hundred thousand dollars, upon our State Treasurer. This, we conceive, supercedes the necessity of any application in the mode your Excellency has pointed out. That sum, most certainly, is the last the State may expect out of the treasury of the United States, or from any of their public funds. For all moneys

must come from the State for every purpose. We are, therefore, well assured, the State will be deeply impressed with the necessity of strict economy and every possible exertion.

We enclose your Excellency the weekly newspaper, and beg leave to subscribe ourselves,

Your most obedient and very humble servants,

WILLIAM ELLERY,
HENRY MARCHANT.

P. S.—Mr. Marchant proposes to set out to-morrow.

WILLIAM ELLERY TO GOV. GREENE,

PHILADELPHIA, Dec. 14th, 1779.

SIR:—Since Mr. Marchant left us, nothing new has turned up. Congress is employed in devising ways for supporting the army at the least expense, for preserving the credit of our money, and defending the southern states. The states, I believe, will be soon called upon to furnish such provisions and other necessary articles for the war, as they can supply with the greatest convenience, to be credited therefor in the quotas of moneys to be raised by them respectively. The officers in the great civil department of the army, it is proposed, shall hereafter, instead of receiving commissions, be paid by fixed salaries, &c., &c.

The North Carolina brigade are gone on for South Carolina, and will be followed by the Virginia troops. Our intelligence from New York is, that eight or ten thousand troops are about to embark. Their destination uncertain. I presume Rhode Island is not their object, the force is too great, and if so great a force should be employed in any other quarter, there will not be troops enough to spare to attempt the repossession of that island. So that I think our State will not be infested by the enemy this winter. We have late letters from Mr. Bingham, Continental agent at Martinico, but not a word of news. No letters from our Plenipotentiary for some months past. The enclosed newspapers will give you all the news we have. The articles from Alicant, I believe, came to the French Consul here. I wish they may be true. The destruction or capture of four of the enemy's capital ships would be a heavy blow indeed. All their dependence is upon the depreciation of our money. It is the great duty of every state to avert that mighty evil. The radical cure for depreciation is taxation. I don't doubt but what our states will apply the remedy as far as it is in their power, and do every thing within their exertions to produce a speedy and honorable peace.

I am, with great haste, and as great respect,

Your Excellency's most obedient and most humble servant,

WILLIAM ELLERY.

P. S.—I hope your Excellency will excuse both the paper and the writing. The former is the best the Secretary's office affords, and the latter as good as time will allow.

GOV. GREENE TO MR. ELLERY.

WARWICK, STATE OF RHODE ISLAND, &c. }
Dec. 21st, 1779.

SIR :—I received your two favors the week past, while the Assembly was sitting at Providence ; since which I have returned home and forgot to take the letters with me ; that I hope you will excuse me if I do not answer every sentiment contained in them, as I shall endeavor to answer whatever I can recollect, and must leave the Secretary to do the rest ; as I desired him, immediately after the acts of the Assembly are printed, to forward the schedules to you agreeable to your former request.

You have an order of the Assembly for one thousand dollars in the way you mentioned. You observe that the late order in favor of this State, is the last they may expect, as in future each respective state is to furnish themselves with cash ; which, by the way, was the manner in which the State received the money. In consequence of the last order upon the Loan Office here, and unless each respective state can receive orders from time to time to supply their troops, in the same way, I confess I am at a loss which way they are to be provided for ; as in that way the money is raised by the State, although ordered by Congress.

I have the pleasure to inform you that the Assembly have so far approved of the late resolution of Congress, recommending to the United States to assess a tax of fifteen millions of dollars monthly, for the term of nine months, to commence on the first day of February next, as to order a tax of four hundred thousand dollars to be paid into the Loan Office here, in the months of February and March next. They have also ordered that the wages of the officers and soldiers belonging to Cols. Greene's, Angell's and Shearburn's regiments shall be made good for them from the time they entered into the service, and that Col. Angell's regiment be filled up, for the encouragement of those who may engage in the service during the war, in said regiment. They are entitled to receive three hundred dollars, and their wages to be made good to them as above ; and in order to convince those who are already engaged during the war, that the State means to do them justice, except those who were slaves in Col. Greene's regiment, who have been freed by this State, they are to be entitled to the same bounty, one-half of which to be paid them immediately. I dare say when you consider we have granted perhaps, much more than the amount of what there now is in the State Treasury, and considering the aforesaid tax recommended by Congress,

which I hope and desire may be punctually complied with, you will readily agree that whether we can have an order for a further sum or not, in future, we shall certainly stand in need of one in the same manner we received the late order.

I shall be glad to know your sentiments, whether or not it may be likely, should not the enemy be in force stronger than what they now are, that one of this State regiments may be likely to be recommended by Congress to General Washington, to remain within this State for the defence of Rhode Island the ensuing year, as there must, of course, be a number of troops left on there, to remain during the continuance of the war to defend the island against armed vessels that may otherwise land and plunder and burn the town. If that should be acceded to, it may very likely be the means of preventing our raising State troops the ensuing year, which would be an amazing saving to this State, and might likely be an inducement for this State to do something towards filling up Col. Greene's regiment, which appears to me might be very easily done out of the State troops, to engage during the war, were we not to engage any more of them in that way, as their pay is in future to be kept good.

Enclosed you will find a commission empowering you to meet the gentlemen that may be appointed to meet in Convention from the several States, agreeable to the recommendation of the late Convention held at Hartford, for the purpose of regulating the prices of articles agreeable to the recommendation of Congress. This appointment was not only by reason that the Assembly thought you a very proper person to represent this State in the proposed Convention, but because it will be a means of saving a very considerable expense of what otherwise would have accrued for one to have been appointed to go from here for that purpose, so that I doubt not you will cheerfully accept the appointment.

WILLIAM EELERY TO GOV. GREENE.

PHILADELPHIA, Dec. 21st, 1779.

SIR: — The enclosed extracts and copies are sent forward to your Excellency that intelligence may be given to the captors of the Greyhound of the determinations of Congress respecting the capture of that vessel. The delegates from the Massachusetts Bay do also transmit extracts to the President of their Executive Council. Your Excellency will observe that the names are not properly spelled, and that our Providence is called New Providence. These are mistakes of the French, which the translator could not correct. As the delegates of the Massachusetts Bay have given information to their state, perhaps it may not be necessary to publish an advertisement on this occasion. If it should be done, all the concerned can be notified at the

same time. But of this, as well as the mode of giving intelligence to Mr. Wood and the other seamen, your Excellency is a proper judge.

The cry for money from every department is so vehement and peremptory that, unless the treasury is very soon supplied, the most alarming consequences will take place. Therefore I hope that ours and the other states will, with all possible dispatch, collect what may remain uncollected of their taxes. Congress is at its wit's end. Unless taxation and loaning,—especially the first,—go on briskly, notwithstanding all our successful efforts, we may be undone. We are now at the very pinch of the game, if I may so express myself. If we can but supply our army a few months without further emissions of money, the game is our own. We then can, at our leisure, and as may be most just and convenient, appreciate our currency, and thereby force the enemy to make peace with us, whose whole dependence now is that our army will disband for want of supplies, and that we shall sink under the load of multiplied emissions of paper bills. The motives to vigorous exertions are great and pressing. I hope the exertions of the states will be proportionate. We have nothing new.

I am, with every sentiment of respect,

Your Excellency's most obedient servant,

WILLIAM ELLERY.

JOHN COLLINS TO GOV. GREENE.

NEWPORT, December 22d, 1779.

DEAR SIR:—I received, yesterday, a recommendation from the Honorable General Assembly that excuses my going to Philadelphia this inclement season of the year, to attend my duties in Congress, as the State may be represented by one member, for which indulgence I return the Honorable General Assembly my hearty thanks; but being assured it is not the wish of the greater part of my constituents the State should be represented in Congress by one member only, and as I have been requested by them to attend Congress as their representative, I think it my duty to comply with their request, and not be frightened by frost and snow from my duty to my constituents.

I am, with great regard, your Excellency's

Most obedient, humble servant,

JOHN COLLINS.

WILLIAM ELLERY TO GOV. GREENE.

PHILADELPHIA, Jan. 4th, 1780.

SIR:—Since I last had the honor of writing your Excellency, nothing material has occurred. But as I may be thought negligent unless I write now and then to the Assembly, I therefore now resume my pen.

We have not received any foreign intelligence for a long time, and nothing domestic but the sailing of the long talked of embarkation from New York. They sailed in two divisions. The first, which consisted of more than one hundred sails, and which Gen. Washington says it is generally imagined consisted of returning transports and private vessels bound to Europe, sailed on the 23d ultimo. The last division, consisting of one hundred and ten sails, principally large ships, put to sea the 26th. A large number of troops were in the fleet, but how great the number, by whom commanded, and where destined, is uncertain. It is generally thought that a part of them, at least, are bound to the southward, and it is reported that Gen. Clinton, in person, commanded the expedition. Gen. Parsons, who commanded a body of troops advanced towards the Sound, wrote Gen. Washington that a number of southern refugees are said to be on board the fleet; among them, Governor Martin.

Last Tuesday, we had a very heavy storm. I hope we may have the pleasure of adopting Queen Elizabeth's motto:—"*Afflavit Deus et dissipantur.*" It is said that the Spaniards have taken Pensacola. If this should prove true, and they should proceed and capture St. Augustine, it would make a fine diversion in favor of Charleston, provided the expedition from New York should be intended against South Carolina. A considerable body of troops are on their march to join Gen. Lincoln, but will arrive there too late to succor Charleston against the supposed intended attack.

We are busily employed in financing and procuring supplies for the army. Bills of exchange are falling, and some people begin to be apprehensive of evil from appreciation. These are favorable symptoms, as we have put a stop to further emissions. If taxation proceeds, it is improbable that the money should further depreciate. A letter from the General Treasurer of our State to the Continental Treasury Board, gave them and me great pleasure. It seems by that letter that a great part of our quota of the tax was collected, and that the whole would be in the treasury by the first instant.

Since I wrote the foregoing, I have seen a gentleman from Maryland, who informed me that bills of exchange and every article were falling in that state when he left it, which was but a few days before. I have also, since that time, seen a letter from Gen. Lincoln, but it contained nothing new. Congress has ordered the Treasury Board to prepare bills of exchange, to be sold at the rate of twenty-five dollars for four and sixpence sterling. The purchaser when he receives his bill, to deposit in the Loan Office an equal sum in Continental money to be estimated at the rate for which he is to receive yearly six per cent. I think I have expressed the idea clearly, but the resolution will soon be published.

The incessant and large demands of the army, and the slowness with which taxes come in, have made this measure necessary. This is, indeed, a very critical period. If we can, however, but get along for two or three months, I hope we shall proceed with more ease and satisfaction in future. A considerable body of men have enlisted for the war. This, well recruited, will make a very respectable army. The only difficulty is to furnish it with supplies. If we can but give steadiness to our currency, and the several states will exert themselves and obtain the quotas of supplies which will soon be assigned and recommended to them, all our difficulties will be removed.

Wishing success to every measure calculated for the public benefit, prosperity to the State of Rhode Island and Providence Plantations, and health and happiness, with many new years to your Excellency,

I continue to be, with great respect,

Your Excellency's most obedient, humble servants,

WILLIAM ELLERY.

P. S. — Since writing the foregoing, Congress has received a letter from Gen. Washington, dated Dec. 30th, 1769, in which he mentions that, by the last accounts he can get of the British troops, which left New York the 26th ultimo, they consist of six British regiments: The grenadier and light infantry of the army, Rawlins' corps, the legion, the queen's rangers and the Hessian grenadiers, which will make about five thousand effectives.

WILLIAM ELLERY.

MR. ELLERY TO GOV. GREENE.

PHILADELPHIA, Feb. 15th, 1780.

SIR:—In consequence of the powers for meeting a convention for limiting prices, with which the State was pleased to invest me, I joined it, and after frequent meetings we came to the resolutions, which are herein enclosed. I did not forget to move and urge the convention to recommend to such states as have passed laws laying restrictions on inland trade, or inland embargoes, to repeal them; but they did not choose to come to any determination thereon, until they should have decided on the subject of regulating prices, and so the motion is postponed.

For news, &c., I beg leave to refer your Excellency to Mr. Collins' and my joint letter, and I am, with great respect,

Your Excellency's most obedient humble servant,

WILLIAM ELLERY.

The papers accompanying Mr. Ellery's letter, show a meeting of the states of New Hampshire, Massachusetts, Rhode Island, Connecticut and New York, by Commissioners, at Hartford, in October, 1779, and the adoption of a resolution recommending another convention of the same states with New Jersey, Pennsylvania, Delaware, Maryland and Virginia, to be held in January, 1780, in Philadelphia. At the time appointed, all the states except New York and Virginia, were represented, and by reason of the absence of these two states, the Commissioners adjourned to meet in April at Philadelphia, on the ground that "any measures for regulating prices adopted without the concurrence of all the states" above named, "might prove ineffectual."

MESSRS. ELLERY AND COLLINS TO GOV. GREENE.

PHILADELPHIA, Feb. 15th, 1780.

SIR: — Congress has come to sundry resolutions, determining the number of privates of which the army is to consist, and adjusting the quotas of the states, which we suppose are sent to the states; but as it is possible that they may not reach your Excellency so early as this letter, we will just mention that the whole number of privates is to be thirty-five thousand, and our quota eight hundred and two. We objected to the quotas assigned to our State, and proposed that it should not exceed seven hundred men, but were not able to procure any reduction. Several other states made similar objections, but it was thought too late to alter the adjustment, and set the matter afloat; and so the report stands as it was offered by the board of war, only with the qualifying resolutions added to it which you will take notice of.

We received a letter last Saturday from Mr. Jay, our Minister to the Court of Madrid, informing us that the Confederacy, off the banks of Newfoundland, met with a violent storm which carried away her masts and bowsprit, and obliged her to put away for Martinico, where she arrived the 19th of December. His letter was dated the 20th. He further advises us that a British squadron from St. Lucia fell in with about twenty-five French merchant vessels, under convoy of a frigate off and bound to Martinico. That the enemy took fourteen of them and drove two ashore. Monsieur De La Mothe Piquet was dispatched to pursue them as soon as possible, but his force being inferior to the enemy, it was not in his power to recover the capture.

Mr. Bingham, our agent at Martinico, in a letter of a later date, mentions that Mr. Jay sailed in the *Aurora* frigate for France, the 26th of December. We are told that there are letters in town from St. Eustatia, so late as the middle of January, but not a word of news from Europe. The Georgians have organized government, and are determined to hold their state as long as they can. The seat of government is at Augusta. The Spaniards have taken possession of the British settlements on the Mississippi, and a respectable fleet with four thousand troops sailed from Savannah for Pensacola or Augustine or both, the beginning of December. Affairs wear a better aspect to the southward than they did some time ago.

We have not received any intelligence respecting the famous fleet from New York since it sailed.

We have nothing further to add at present, but that we are, with great respect,

Your Excellency's most obedient, humble servants,

WILLIAM ELLERY.

JOHN COLLINS.

P. S. — Gen. Lincoln, in a letter bearing date January 3d, informs that, by the last accounts from Savannah, he was informed that the 60th regiment was ordered to St. Augustine. The enemy seem to be alarmed at the movements of the Spaniards. We do not know yet the fate of Mobile or Pensacola. There is some reason to believe that they are both in the hands of the Spaniards. This is undoubtedly the report in Savannah. I have it from deserters, and Mr. Cowen, one of our officers who lately left it. What foundation there is to the report, or what gave rise to it, I know not. I have my doubts with respect to the facts, though I think it my duty, and that I may safely give the hint on mentioning my authority.

I am just informed that six or seven hundred of the North Carolina militia are arrived at Camden. Camden is one hundred and twenty-six miles from Charleston. The North Carolina Continental brigade were pushing on with forced marches.

MESSRS. ELLERY AND COLLINS TO GOV. GREENE.

PHILADELPHIA, March 1st, 1780.

SIR:—This will be accompanied by the substance of a system which lately passed Congress for supplying the army. An exact copy will be transmitted by the President. We are now upon a plan for giving stability to our money. As soon as any measures shall be agreed on, we will give your Excellency the earliest intelligence.

Some time ago, Congress had a conference with the Minister of France,

at his request, by a committee, when among other things, he informed us that there was no prospect of peace this spring; that France and Spain were making preparations for a powerful diversion; and that it was expected on our part, that we should exert ourselves with vigor this campaign; that successful operations would hasten and facilitate negotiations of peace, &c. &c. This is the substance of what we think ourselves now at liberty to communicate.

We have lately received a letter from our Minister at Paris; but not a word of news, saving that our invoices for clothing and military stores had just arrived, and that he was encouraged to think, that our application would meet with success. The King of Britain's speech is more moderate than usual; but he is still determined, it seems, to prosecute the war with vigor. It is our duty to be prepared to resist his efforts, and to regain the possession of such parts of the United States as the enemy have taken from us, if we can. This we should be able to effect, if we had a naval force superior to that of the enemy; but our own naval force is weak, and what force our ally will have in America the ensuing campaign, we know not. Count D'Estaing, with twelve sail of ships, has gone to France. It is said, that on his passage, he had taken a sixty-four gun ship and a frigate, but I believe this account is uncertain. We presume that their places will be supplied, because we cannot conceive that our ally will leave the West Indies exposed.

No certain intelligence hath yet come to hand relating to the famous York fleet. They have been seen at sea. Yesterday a letter was received by a merchant in this place from one of his captains, who had just arrived in the Chesapeake from the West Indies, informing him that in lat. 28, long. 68, he had come across a transport, which was one of that fleet, that had been wrecked by a storm, and that he had taken out the men and left her; that Clinton and Cornwallis were on board the fleet, and that it was bound to Georgia.

Enclosed is a newspaper, which will give you all the flying news. We are, with great respect,

Your Excellency's most obedient servants,

WILLIAM ELLERY,
JOHN COLLINS.

The papers enclosed in the above, contain a list of articles to be collected by the different states for the use of the army, to be deposited in each state where the Commander-in-Chief

shall direct ; with the prices at which they were to be credited tot hem by Congress. The quota of this State was,

2,240 lbs. beef.

2,000 bushels salt.

68,621 gallons rum.

400 tons of hay.

The prices allowed for these articles in "Spanish milled dollars," were for beef, from $5\frac{1}{2}$ to 8 dollars for 112 lbs.

Best rock salt, \$8 per bushel ; other salt, in proportion:

West India rum, \$1 $\frac{2}{3}$ per gallon ; Continental rum in proportion to the price of rye.

Hay, the best upland, \$15 per ton.

GOV. GREENE TO WILLIAM ELLERY.

WARWICK, STATE OF RHODE ISLAND, &c., }
March 8th, 1780.

SIR :—I received your favor of the 23d and 24th of last January. And I have now to inform you that the General Assembly, at their session held on the 4th Monday of last month, agreeable to the late resolution of Congress, did pass a resolve to raise 810 men, including those already raised in Cols. Greene's and Angell's regiments ; and for the encouragement of those who are inclined to engage during the war, they are to be entitled to receive a bounty of three hundred dollars from the State, in addition to that given by the United States, and their wages are to be made equally as good in silver as it was at the commencement of the war. When you consider there is about one-half the above number of men now to be raised, there being but about one-half of them now in Cols. Greene's and Angell's regiments, it will naturally inform you of the sum that will be wanting on that score, exclusive of a very large amount, as will be made to appear, for moneys advanced in behalf of the Continent, by an account almost ready to be forwarded to you. I have written to Gen. Washington by the request of the Assembly, for one of this State's regiments to be stationed within this State the ensuing campaign, and shall be glad, if you shall find it necessary, you will do the like, as it appears to me very reasonable, considering the distressed situation of the State, together with its former and present exertions. They have now resolved to raise a much larger number than their former proportion, and for what reason Congress made the addition, I must confess I am at a loss to determine. I am, with very great esteem,

Your most obedient and most humble servant,

WILLIAM GREENE.

WILLIAM ELLERY TO GOV. GREENE.

PHILADELPHIA, April 4th, 1780.

I received your Excellency's favor of the 8th of March and advert to the contents of it. You are pleased to inform me that the General Assembly, at their session held on the fourth Monday in February, passed a resolve to raise eight hundred and ten men, including those already in Col. Greene's and Col. Angell's regiments. You then mention the proposed bounty, &c., and proceed to say, that "When you consider there is one-half of the above number of men now to be raised, there being about one-half of them now in Col. Greene's and Col. Angell's regiments," &c., &c. Your Excellency must have attended to the words of the resolution of Congress immediately following the adjustment of the quotas, to wit. :—"That all the men whose terms of service do not expire before the last day of September next, be counted towards the quotas of the states, to which they respectively belong, whether they compose the battalions in the lines of the several states, those of the additional corps, including the guards, the artillery and horse, or the regimental artificers in the departments of the Quartermaster General and Commissary General of military stores, who being credited to the states, respectively, should be provided for, deemed and treated in the same manner with the men in the several state line," &c., &c.

Now sir, if we have any men belonging to our State in Col. Sherburn's regiment, in the guards, &c., &c., whose times do not expire by the last day of next September,—and I imagine we have,—they must be counted towards our quota; and, of consequence, included in the number of our men, as well as those in Greene's and Angell's regiments, and, therefore, if the supposition I have made proves true, we shall not have one-half of our quota to raise if about one-half of it is now in Greene's and Angell's regiments. I have been the more particular, because I should be very sorry to have a state whose quota is disproportioned to its ability, attempt to do more than is required of it. Sensible that our quota was too large, I moved and urged that it might be reduced to seven hundred, but could not get Congress to agree to it. When the arrangement was made at Yorktown, one regiment only was assigned to us, and, perhaps, if we had not been so forward to raise a regiment of blacks, without the request or even the knowledge of Congress, one regiment only would now have been required. Our State hath sometimes, by too great an ardor, injured itself. When the account hinted at comes forward, I shall exert myself to have it paid, and shall take notice of the bounties we have proposed to pay, and make use of every other argument to accomplish the wishes of the State which my invention can suggest.

Your Excellency requests, if I should find it necessary, that I would write to Gen. Washington on the subject of one of our State regiments being stationed, this campaign, within the State. I could not think it necessary : for, if I had known what your Excellency had written, I have not the vanity to imagine that I could have suggested any additional argument or enforced what you must have argued. However, as it seemed to be your desire, and as I shall always consider your desires, though not fully expressed, as commands, I have also written to the General on that head, and shall esteem myself very happy if my effort should contribute a mite towards the granting of so reasonable a request. I wish the General Assembly may succeed, but when I consider that the troops of the Virginia and North Carolina line are gone to the southward, and that he chooses, and it is necessary that he should have, a respectable army with him, I cannot promise myself that the application will prove successful.

The Board of Admiralty, of which I am a member, received by last Tuesday's post, a letter from your Excellency, informing them that the Pigot Galley was so rotten and so dull a sailer, that she was unfit for service, and proposing that she should be sold, all but her military stores, and another vessel purchased for a cruiser. The Board, sometime ago, received a letter from the Captain of her, proposing that she should be repaired and fitted out for a cruiser ; they being well informed that she was but a dull sailer, that it would cost much to repair and fit her, knowing too that it was not the intention of Congress that the vessels procured in pursuance of their resolutions for the defence of our bays and rivers should be employed as cruisers ; and further thinking that the Pigot Galley might in her present condition, afford some protection to those places, were content that she might be so employed, of which I have given notice to Captain Clarke, in a late letter.

If Congress were disposed that a suitable vessel should be provided for the purpose you mentioned, which I am far from thinking they would admit, yet such is the state of the treasury that they have it not in their power to purchase a piece of one. Indeed, we have two vessels on the stocks, and for want of money, we cannot even launch them. If the Galley is of no use to our State, I could wish to be informed of it, for it would be wrong to keep a vessel with a number of hands, that is of no service. Willing to serve the State, and thinking that the Galley might be of some benefit, and being fully sensible if she was sold, it would be impossible to supply her place, because the proceeds would be otherwise applied, I induced the Board to consent that she should be continued in the service.

I shall put off, if I can, any determination on your letter, until I receive

an answer to this ; because I plainly perceive the majority of the Board will be for selling her and placing the money on the ships now building.

I am, with great respect,

Your Excellency's most obedient, servant,

WILLIAM ELLERY.

P. S.—By a letter from Gen. Washington, yesterday, we are advised that a fleet from Cork, of forty-five sail, had arrived at New York, and that he was informed that the enemy there were taking up transports, perhaps, I say, to carry a reinforcement to Gen. Clinton, to supply the losses he sustained in his passage. Gen. Clinton, the 12th of May, was at James Island, and has not made an attack on Charleston.

GOV. GREENE TO WILLIAM ELLERY.

WARWICK, 17th April, 1780.

SIR :—I received your favor of the 4th instant, and acknowledge I was short in not including the numbers you mention in Colonel Sherburn's regiment, &c. &c. Since I wrote to you, His Excellency Gen. Washington has taken care to furnish this State with a return of the number of men doing duty, agreeable to the resolution of Congress, in the several Departments, except that of the artificers, which I recollect was omitted in that. But I doubt not this State will take care to be properly informed in regard to their numbers already on duty prior to their completing the number ordered. As the same time for which the men were engaged belonging to the Pigot Galley is nearly expired, the Council of War have ordered her up to Providence, and there her stores, &c., to be properly secured until further order, as she is not, by any means, a suitable vessel to answer the purpose for which she was intended, for reasons you notice in your letter, which I mentioned in that to the Board of Admiralty.

I had nothing further in view when I mentioned in my letter to the Board of Admiralty, requesting to have another vessel in lieu of the Galley, to be for a cruiser to guard the island of Rhode Island, and scour the coast of small armed vessels, that she should proceed any farther than that she might be able to return into the harbor of said island in a few hours. It appears to me a suitable vessel to be employed in this way might be the means of doing double the service, with the number of men she would require, that an equal number can by being stationed on said island.

I am, with very great esteem, your most obedient,

WILLIAM GREENE.

WILLIAM ELLERY TO GOV. GREENE.

PHILADELPHIA, April 18th, 1780.

SIR:—Your Excellency, in a letter of the 8th of last March informed me that the account of the State against the United States was very large, and that it would soon be forwarded. The sooner it comes to hand the better. Very lately a draft was reported on our State for fine hundred thousand dollars in favor of the late Commanding General. I opposed it with all my might, told Congress that a warrant for that sum would exhaust the last farthing of the debt due on our quota of taxes, and that I daily expected that the State would present their accounts, and demand a very large balance. In this way, I got it reduced to one hundred thousand dollars. The people urged so pressing the payment of their debts, and it is so necessary to preserve, or rather recover credit, that warrants are continually issuing wherever there is any prospect of their being answered. The want of punctuality in paying their taxes where the quotas were large, has depreciated the money greatly, and greatly embarrassed our affairs.

I acquainted your Excellency, in my last, that I had written to Gen. Washington, as I was requested. The General writes me that he has informed you of the improbability of his being able to comply with your request. I hope, however, that the recruits the army may receive may still render it prudent for him to continue the battalion of blacks in the State.

I have lately received a letter from Gen. Varnum, informing me that he was directed by the General Assembly to request me to act and do everything necessary, on behalf of the State, for their obtaining a confirmation of the decree in favor of the State against the sloop Crawford. No appeal has been lodged with the Secretary, notwithstanding months have elapsed since it was granted, and therefore I presume the appellants do not mean to prosecute it. Fees are enormously high here, and it would be impossible for me to get money enough to fee counsel without hiring money, the treasury is so much exhausted; and, therefore, I hope the matter will be dropped by the appellant.

A fleet of twelve ships of the line has arrived at Martinico, with a number of troops, which give the French a superiority in the West Indies. I wish they could spare us half of them to be employed against the enemy to the southward. We have late intelligence from Gen. Lincoln. Troops are constantly marching into South Carolina, I am informed, and it is expected that, if we are able to keep possession of the harbor of Charleston, we shall have force enough by land to keep the town.

A committee has lately been appointed to repair to headquarters to arrange departments, &c., &c., &c. Enclosed is a copy of the instructions

given to them, which points out their business more particularly than I could do it by a relation. It is expected that great advantage will result to the public from this measure.

Congress has, too, passed an act for making good to the line of army, and the independent corps thereof, the deficiency of their original pay, &c. This I also take the liberty to enclose to your Excellency. These are the most material acts which have passed Congress since I last had the honor of writing to you.

We are upon a plan of liquidating the value of Loan Office certificates, determining to do justice to the holders of them as exactly as possible. When this is agreed to, I will transmit it. As I have done, I mean to give every information and to perform every service in my power, which may be beneficial to the State, so long as I shall continue to represent it in Congress; and whenever my constituents shall please to displace me, I shall go out with the satisfaction of having discharged my duty at least, with firmness and integrity.

I am, with the highest sentiments of respect,

Your Excellency's most obedient servant,

WILLIAM ELLERY.

MESSRS. ELLERY AND COLLINS TO GOV. GREENE.

PHILADELPHIA, May 2, 1780.

SIR:—Nothing new in the Congressional line hath taken place since our last, but what will have reached your Excellency's hands before this. The frigate Confederacy arrived here last Saturday, from Martinico, and confirms the account of the arrival there of sixteen sail of the line, with a considerable body of troops, so that now the French have a decided superiority in the West Indies.

An express arrived here last evening with despatches from Gen. Lincoln, to the 9th of April, the substance of which is, that the enemy crossed the Ashley river in force, near the ferry, on the 29th ult., and encamped about three thousand yards from our line. They have erected works in front and on the left, and on Cooper's river, and were opening lines of communication. What they have done seems rather calculated to cover their approaches than to annoy. Seven ships of war passed Fort Moultrie on the 8th, and anchored near where Fort Johnston stood, without any apparent injury. Our people were employed in throwing obstructions in the passage up Cooper's river, thereby to preserve a communication with the country, from which they might draw succors and supplies, and meant to throw up works in proper places, the more effectually to secure that communication. General Woolford, with about seven or eight hundred of the Virginia line, arrived

the 7th, and the North Carolina men were coming in. The remainder of Gen. Scott's troops, and some militia men from North Carolina, were soon expected.

We do not pretend to form a judgment of the results. The courts of war are uncertain, and your Excellency can make up as good a one as we are able to do. Hoping every thing will eventually turn out well, we are with great respect,

Your Excellency's most obedient servants,

WILLIAM ELLERY,
JOHN COLLINS.

P. S.—Mr. Ellery has received your Excellency's letters respecting the Pigot Galley, and will lay the same before the Admiralty Board.

The session of Congress, from May, 1779, to May, 1780, was held in the city of Philadelphia. On the 28th of September, 1779, Mr. Jay having been appointed Minister Plenipotentiary, to negotiate a treaty of amity and commerce with His Catholic Majesty, the King of Spain, resigned his office of President of Congress. Samuel Huntington, a delegate from Connecticut, was then appointed President.

During this year the business of Congress had become more systematized. Standing committees with more general powers, were appointed. The appointment of the Board of the Treasury, the Board of Admiralty, and the Court of Appeals in prize causes, relieved Congress of business in detail, which before had taken much time. Private petitions and special subjects of enquiry, still numerous, required special committees. As the Journals of Congress in most instances do not set forth the prayers of these petitions, it would afford little satisfaction to refer to them separately, or to the committees who were charged with them. Upon several committees of this kind, the services of the delegates from this State were required.

On the 8th of July, 1779, a standing committee of three was appointed to correspond with the commanding officer of the army in South Carolina and Georgia, and report from

time to time the means necessary for the defence of those States. Mr. Marchant was one of this committee. On the 11th, and also on the 22d of November, they reported on letters received from Major General Lincoln, requiring men and material for his army, which were acceded to by Congress. Gen. Washington was directed to order the North Carolina troops, or such others as could be spared from his army, to re-enforce Gen. Lincoln ; and the marine committee to afford every assistance in forwarding men and stores. On the 29th of July, Mr. Marchant was placed on the Committee of Appeals in prize causes, in lieu of Mr. Ellery, who had leave of absence. He was added, also, to the Committee on the Treasury, on the 9th of September, to hold office till the Board of the Treasury should be arranged. After Mr. Marchant had leave of absence, Nov. 30, Mr. Ellery was substituted in his place, on the Committee of Appeals. On the 8th of December he was elected one of the members of Congress on the Board of Admiralty.

The Journals of Congress show that the delegates from this State took part in most of the important business before Congress. It is fair to infer, that they were often heard in argument, as they are named as moving or seconding motions on many occasions.

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CHAPTER VI.

1780 TO MAY, 1781.

JOHN COLLINS, Daniel Mowry, James M. Varnum, and Ezekiel Cornell elected Delegates at the General Election in May—Resolution of thanks to past Delegates—Ward and Hopkins Controversy reviewed—Delegates instructed by the Legislature to petition Congress for an Appropriation for Repairs on the College Edifice—Attendance of Delegates—Correspondence between Delegates and the Executive—Summary of the Sessions and Business of Congress—Depreciation of Paper Money—Final Ratification of Articles of Confederation—Review of the Labors and Honors of the Delegates from Rhode Island.

At the General election in May, 1780, John Collins, of Newport, Daniel Mowry, of Smithfield, and James M. Varnum, of East Greenwich, were elected delegates to Congress. At the April town meetings, there was no choice of the first delegate, three candidates having been voted for. The Assembly, in grand committee, elected Ezekiel Cornell, of Scituate, to fill the vacancy. Their commissions were similar to those issued the preceding year, to their predecessors in office, and including a provision that one delegate might represent the State, when the others were necessarily absent. Only one of the delegates of 1779 was reëlected this year.

The following resolution was passed at the May session:—

This Assembly, fully sensible of the many and great benefits which this State hath derived from the exertions of those eminent abilities and the unremitted attention to the momentous objects of their appointment, with which the conduct of William Ellery and Henry Marchant, Esqs., as delegate from this State, to Congress, hath been distinguished,

DO, THEREFORE, VOTE AND RESOLVE, AND IT IS VOTED AND RESOLVED, That the thanks of this Assembly be given to these gentlemen.

Mr. Ellery, at the same session, received the appointment of Associate Justice of the Superior Court. The omission of Gov. Hopkins' name from this peculiar vote of thanks, and certain other changes made in the State officers at this election, induce a suspicion that the old party lines between Hopkins and Ward, or town and country, were beginning again to be revived.

It being shown to the Assembly, at May session, that the college edifice in Providence had been used as a barrack and a hospital for the army, and thereby so injured as to render it unfit for the purposes for which it had been erected, they instructed the delegates to present the subject to Congress, and urge an appropriation for its repairs, at an early day.

During the year, the Assembly granted various sums to the delegates, to be accounted for in the settlement of their accounts with the State, for services and expenses.

At the commencement of this year, Mr. Collins and Mr. Ellery were present in Congress, under their election the year previous. Mr. Ellery, at the time, was one of the members of Congress on the Board of Admiralty. After the expiration of his term of office as member of Congress, he was appointed one of the three Commissioners of that Board, who were not members. This was on the 23d of June. This office required his attendance at the place where Congress was in session.

WILLIAM ELLERY TO GOV. GREENE.

PHILADELPHIA, May 16th, 1780.

SIR:—Mr. Collins, who left this place last week, and, it is said, has gone home, will acquaint your Excellency with the occurrences between our last and his departure. Since that time, we have received letters from Dr. Franklin and Mr. Adams, by the Marquis de Lafayette, bearing date from about the middle of February to the first of March, and containing in substance, the following intelligence:

The Court of London hath earnestly applied to the Court of Russia for assistance, and was absolutely refused. A hearty friendship subsists between

the latter and the Court of France. The Dutch entertain more favorable sentiments of us than formerly, the Stadtholder, who hath been against us, acknowledges he hath been deceived, and is for furnishing unlimited convoys to their trade. Ireland is not satisfied; Scotland is uneasy at the countenance given to the Roman Catholic religious associations and committees of correspondence, those terrible engines to despots, which have alarmed the Ministry of Great Britain. France seems determined to preserve a decided naval superiority over the British in the American seas. More ships and troops are coming out, and perhaps some of them may come to our immediate assistance. The success of the British fleet off Gibraltar, hath flushed the spirits of our enemies, but not at all disheartened the Spaniards.

Captain Jones, in the Alliance, is ordered to America. The three ships she captured, and which were obliged to put into Denmark, have been ordered by its king to be delivered up to the British Consul. Against this conduct Dr. Franklin hath remonstrated and demanded a restoration of the prizes, or their value. What effect his memorial will have is uncertain. Three millions of livres are to be advanced annually by France, to assist us in procuring clothing, &c. for the army. These are the principal articles I can recollect.

As my constituents have thought fit to remove me, I could wish to return home as soon as possible, and therefore, hope that one of the newly appointed delegates may be directed to set out for this place as soon as may be convenient. It will be absolutely necessary in order to my return, that I should be furnished with a considerable sum of money, to enable me to pay my debts, to purchase a horse, one of mine having died, and to bear my expenses. There is no money in the treasury; I have no acquaintance that can supply me; and I very much question whether twenty thousand dollars could be procured here, money is so scarce and the demand for it so great, even upon the credit of the State, if I were authorized to offer it. Therefore, permit me to urge, that that sum be sent to me by the first delegate, otherwise, I may be obliged to continue here months at the expense of the State, without having it in my power to do it any service.

I am, with the highest sentiment of respect,

Your Excellency's most obedient servant,

WILLIAM ELLERY.

P. S.—The enemy at New York are in great confusion, it is said, from an expectation of a visit from France. No late news from Charleston.

MESSRS. ELLERY AND COLLINS TO GOV. GREENE.

PHILADELPHIA, May 21st, 1780.

SIR:—In our last letter, we informed your Excellency that the haughtiness of Great Britain had determined her to try her strength another

campaign. It is unnecessary to say it behooves the United States to be fully prepared to resist her greatest efforts, but it is our duty to tell you plainly, that unless immediate and essential relief is given to our embarrassed finances, it will be impracticable. The sinews of war must be braced, and more regular and more ample supplies brought into the treasury than it hath received for months past, or our military preparations must cease, and the most pernicious consequences ensue. Congress has long seen, with alarming apprehensions, the crisis to which a continued depreciation of our paper currency would one day reduce our affairs. They have given frequent and faithful warnings to the several states, and have exerted every power, on their part, to avert the impending mischief, but to little or no purpose. The evil, like an uncontrolled torrent, hath advanced on with rapid progress and now threatens to overwhelm us. Under these circumstances, Congress has thought it necessary to adopt a new plan of finance; and have accordingly come to the decisive resolutions which we now have the honor to enclose to you.

The main objects of them you will readily perceive are, by one operation, to give an establishment to the paper medium, to realize the nominal debt of the United States, and find supplies for the treasury.

We have taken the liberty to point out very briefly the objects of the plan referred to and the necessity which compelled Congress to adopt it. We will only subjoin, that if it should meet the approbation of our Legislature, we hope that they will immediately make the necessary provision for carrying it into effectual execution.

In a letter lately written by Mr. Ellery to the Lieutenant Governor, he mentioned the substance of a letter received not long since from Dr. Franklin, and also transmitted the translation of a letter from the King of France to Congress; and at the same time desired His Honor to communicate them to your Excellency and the General Assembly, with an apology for our not writing the Government.

Since then we have received no intelligence from Europe or any other quarter. We are in daily expectations of hearing something from the southward. We have received no advices from thence later than the very beginning of February, and they only announced the arrival of part of the British fleet off Georgia, without particularizing their number or the number of troops aboard. Indeed it could not be ascertained.

Enclosed is a resolution of Congress of the 29th of February last, which may be of use in the settlement with the Continental officers and soldiers of our State.

Congress has passed resolutions recommending a revision of their tender laws, &c., of which we will also transmit a copy if one can be procured before the post goes out

Since writing the foregoing, Congress has received a letter from Gen. Lincoln, of the 22d of February, in which he observes, "The uncertain events of war will not authorize an assurance of success, but I think, if my requisition of two thousand militia from the country is complied with, and Gen. Hogan with our other expected successors arrives in time, we may flatter ourselves with the probability of an effectual opposition." The intelligence in the papers respecting the enemy, &c., at the southward is good, and renders it unnecessary to copy any more of Gen. Lincoln's letter.

We are with the greatest respect,

Your Excellency's most obedient servants,

WILLIAM ELLERY.

JOHN COLLINS.

WILLIAM ELLERY TO GOV. GREENE.

PHILADELPHIA, May 23d, 1780.

SIR: — Since my letter by the last post, I have been informed that Gen. Cornell, who was chosen first delegate by the Assembly, was to set out very soon after the election; so that, in all probability, the money I requested might be sent me by the first delegate that should come on, will not come by him. I have now to request your Excellency that it may be transmitted as soon as possible, for the reasons assigned in my last. I have applied to my acquaintances for a small sum to pay my washerwoman, and cannot even get that, so scarce is it and so difficult to be had. One of them told me that he had been offered thirteen per cent. for two hundred dollars. I have a warrant on the treasury which I would sell and sustain the loss of a discount, if I could do it, rather than sustain the reproach of repeated dunnings, and of continuing here at the expense of the State, without being in a capacity to be useful to it. I am not the only poor delegate here; many are in the same circumstances, and have been obliged to write to their states for a supply of cash. I hope that this matter may be attended to, and that my earnest request may be complied with.

We have no late accounts that may be depended on from Charleston. Yesterday, it was reported that the enemy had attacked the works on the 25th ultimo, and been repulsed. This day's report is that no attack had been made on the 28th; that the enemy had cannonaded them for fifteen days with but small effect; that they had invested the town, but our troops were in good spirits and determined to hold possession to the last. If they have held out to this time, it is my opinion that the enemy will abandon the siege. The letter which your Excellency will receive from Congress before this reaches you contains the foundation for this opinion.

There is a prospect of an active campaign. I wish we may be prepared

to oppose them vigorously with the force which may come to our assistance, and compel our enemies to be at peace with us.

I am, in haste, but with great respect,

Your Excellency's most obedient, humble servant,
WILLIAM ELLERY.

The following extracts from a letter from the Committee at the head-quarters of the Commander-in-Chief, are also inserted because referred to in a letter from Gen. Cornell.

IN COMMITTEE OF CONGRESS, }
MORRISTOWN, 25th May, 1780. }

SIR:—Yesterday we were honored with a dispatch from Congress, conveying to us their resolutions of the 19th inst., together with a copy of their circular letter of the same date, to the several states, from New Hampshire to Virginia, inclusive. By one of the former we are appointed to assist the Commander-in-Chief, in drawing out supplies for the army; and the line of conduct we are to pursue is pointed out in those subsequent. The whole having been transmitted to your State, together with the circulars, it is unnecessary to enclose your Excellency a copy.

Immediately on receipt of these papers, we laid them before the Commander-in-Chief, and entreated him to signify what supplies were immediately necessary to enable him to move the army, and to put it in a condition to coöperate vigorously with the shortly expected succors of the great and generous ally of these states. This request, we candidly avow, was more with a view to preserve form in conducting business, than for want of competent information on the subject, that having been fully detailed to us by the General and others on former conferences, when acting as a committee of arrangements. He consequently had only to refer to what had been before delivered us by him and others, and which was in substance as follows:—

That the army was five months' pay in arrears; that it had seldom or never since it took this cantonment, more than six days' provisions in advance; that at present it is without meat, and has been on half or quarter allowance for some days past; that the commissaries cannot give any assurance of doing more than barely subsisting the troops from day to day, and even then they apprehend, a want of meat will frequently prevail; that the army is greatly deficient in camp equipage; that it is destitute of forage for the few horses which indispensable necessity has required should be maintained in camp; that it will require several thousand horses to move

the army so as to promise any effectual operation from it ; that the sick in hospitals have not a sufficiency of those articles necessary for their comfort ; that carriages in considerable numbers are wanted ; that the quartermaster general has not a competent number of boats for the use of the army, in case any offensive operations should take place ; that he has no new materials for constructing new boats and carriages, nor even for repairing the old ; that as every department of the army is without money, and not even the shadow of credit left, consequently no article however, necessary, can be procured ; that the transportation even, of the inadequate supply of flour, forage and other articles hitherto furnished by the states, is at a stand ; that very few of the recruits required by the act of Congress of the 9th of February last, have arrived ; that from information received, there is no prospect that any considerable number will timely engage in the service on voluntary enlistment ; that by the expiration of the terms for which men were engaged, deaths and desertions, the army is so greatly reduced, that it does not afford a probable prospect of its acting with any degree of efficiency in merely defensive operations ; that the patience of the soldiery, who have endured every degree of conceivable hardship, and borne it with fortitude and perseverance beyond the expectations of the most sanguine, is on the point of being exhausted ; that a spirit of discontent is encouraged by the arts of the enemy, whose emissaries hold up in printed papers distributed among the soldiery, the most flattering prospects and promises to induce them to desert their colors.

The evidence given us to support this detail of facts, has been fully corroborated by our observations and inquiry, and, painful as the contemplation of the distresses our country labors under may be, we conceive it would have been inconsistent with our duty to have palliated or disguised them in an address to the constituents of that body under whose authority we act, as they ought, in our opinion, to be fully informed. For this to them this Committee is directed to apply, and on them every reliance for relief and assistance must rest, in this very critical and important moment. But so far are we from desponding under this variety of circumstances, that we reflect with a satisfaction—the result of conviction—that the country is not destitute of the resources necessary to enable its army to act with vigor and to second the views of our illustrious ally, and that the executive and legislative powers of your State, impressed as they are with a just sense of the magnitude of the object, are equally desirous and capable of drawing them forth.

* * * * *

Having stated what appears to the Committee absolutely necessary to be adopted and pursued by the states, permit me, Sir, to add, we are authorized to communicate that the naval and land forces alluded to by Congress in

their circular letter, was to have sailed so early from France, that they may be daily expected to arrive on the coast; the orders given by the Court of Versailles for the line of conduct to be observed by their officers in combining their forces with ours to operate against the common enemy, already evince the most unbounded confidence, and the most unequivocal determination, that it should be directed by American counsels, and rendered subservient to the interests of these States. This generosity on the part of our illustrious ally, strongly points out the necessity of taking every precaution in our power, that his views may not be frustrated, nor his arms disgraced. Indeed, we should be left without the shadow of an excuse, should we, through inattention or indecision, neglect to avail ourselves of the advantages to which such a capital succor is capable of being improved. We should degrade our character, disgrace our arms and evince to all the world that we were either destitute of resources, wanted exertion to draw them forth, or wisdom to apply them; and either would tend to discredit our cause and stamp these states with indellible infamy.

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T. H. SCHUYLER,
J. W. MATHEWS,
NATH. PEABODY.

To His Excellency Gov. GREENE.

This elicited the following reply from Governor Greene:—

WARWICK, Rhode Island, June 6, 1780.

GENTLEMEN:

I received your Honors' favor of the 25th ult. and shall lay it before the General Assembly, who are to convene on Monday next.

The exhausted state of the treasury, the smallness and bad supply of our army and the loss of public credit as described in yours, are circumstances truly alarming. These, with other potent considerations, manifest the necessity of the earliest and fullest exertions of the United States.

I doubt not this State will do every thing in its power to recover us from such disagreeable circumstances.

I am, &c.

WILLIAM GREENE.

To the Honorable Committee of Congress.

EZEKIEL CORNELL TO GOV. GREENE.

MORRISTOWN, May 30th, 1780.

DEAR SIR:—I do myself the honor to address your Excellency, at a time when the fate of these United States is pregnant with the most alarm-

ing events that ever attended them since the commencement of this unnatural war, and were I to remain silent, I should think I justly deserved the curses of every freeman in the State that sent me forward. I assure you, upon my honor, the following narrative is drawn from facts stated by his Excellency, Gen. Washington, confirmed by Gen. Greene, and the Committee from Congress, with which corresponds my own observation for three days past. That, from every inquiry and observation that I have been able to make, they all so far correspond, as to authorize me to declare officially, that the circular letter from the Committee of Congress contains an impartial representation of the distresses and embarrassments the army labor under. Since then the Commander-in-Chief has had the mortification to see two whole regiments from the Connecticut line, parade, with their arms, packs, &c., determined to leave this land of misery, disband and return home. Had it not been for the timely exertions of a number of officers, who have done great honor to themselves, it is more than probable the matter would have become serious and the whole troops marched off the ground. His Excellency is still under the dismal apprehension that the moment is not far distant when such an event will take place. In a word, the embarrassments under which the Commander-in-Chief now labors are of such a complicated, distressing nature, that they could not be borne by a less exalted soul. I want words to express the feeling manner in which he represented his distresses, and his fears of the country being subjugated by the power of Britain.

The Committee of Congress appear to be no less alarmed. Every appearance bears a complexion, at this place, sufficient to convince every thinking man that nothing can save us from destruction but a spirited exertion in the several states, drawing forth the resources of the country, for which I cannot doubt the State of Rhode Island is making her utmost efforts. But when I take a view of the civil policy of the several states in the Union, I almost despair of being able to make any vigorous exertions until there is power vested in some man or number of men, obligatory and binding on all the states in the Union, as it will be impossible to convince the several legislatures of the necessity, until the happy moment is past; of which I trust you will be satisfied when you are informed a principal state, to say nothing of the monthly taxes, hath not yet paid her proportion of the sixty millions dollars.

I must take the liberty to desire you to use your influence that one of my colleagues may come forward, as I am fully convinced the important business now before Congress will far exceed my abilities.

I have the honor to be your Excellency's

Most obedient and most humble servant,

EZEKIEL CORNELL.

N. B. — There is not one word of news from Charleston. Gen. Clinton marched yesterday with the York brigade for Albany, to stop the career of Sir Joseph Brant and W. N. Butler, who are in Johnston, within forty miles of Albany, at the head of a considerable force, burning all before them.

GOV. GREENE TO MR. ELLERY.

WARWICK, STATE OF RHODE ISLAND, &c. }
May 30th, 1780. }

SIR: — I received your favor of the 16th instant, and am sorry that I am under the disagreeable necessity to inform you that there is scarcely any money in the State's treasury. Indeed, the Council of War have been under the necessity of preventing some part of the Continental tax now paying from being placed in the Loan Office here, in order to settle sundry demands against them, which is to be replaced in a short time by a State tax already ordered to be paid into their treasury.

That at present I am at a loss which way you can be furnished with money, unless Gen. Cornell, who I suppose is with you before this, can supply you with some part of his, which is already but very inadequate to the expense we shall soon have to pay. But as the Assembly sits the second Monday of this instant, I shall then lay your letter before them, who no doubt will order that you be furnished by some means or other. Either Mr. Mowry or Collins will likely proceed to Congress soon after the rising of the Assembly. Should the sum you mention be provided, one of them can take it to convey to you or your order, should you leave Philadelphia prior to one of them coming, which perhaps may be settled equally as well as though you were present.

I am, with much esteem and respect, yours, &c.,

WILLIAM GREENE.

EEZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, June 18th, 1780.

DEAR SIR: — When I had the honor to write your Excellency from Morristown, I wished our public affairs to wear a more pleasing aspect before I wrote you again, which moment hath, in some measure arrived, though far from being as promising as I could wish. The heart-felt distress for the salvation of our country hath been visible in the countenance of all her true friends.

Charleston, with all the shipping and stores, in the hands of the enemy; seven General officers and near one-quarter part of our Continental troops prisoners of war; Gen. Kniphausen in Jersey, at the head of a superior army to Gen. Washington, endeavoring to force his way to Morristown, where

were all the artillery and stores of the army, and not one public horse to move them ; Gen. Clinton hourly expected, and that that point would be his object, in which there was not one pound of provisions ; our army in Jersey only fed from day to day ; the militia could not be called to the field for want of provision. This was the situation of our public affairs until within a few days. At present, every friend to his country, both male and female, appears to be roused, (in this part of the country,) either from principles of honor, virtue or danger, to make one common defence, which you will see by the enclosed papers, to which I beg liberty to refer you. And I can assure your Excellency, that the public measures they contain are real. And I flatter myself the State of Rhode Island, according to her ability, will not be behind the foremost in adopting every patriotic measure tending to promote our common defence. We have at present a promising aspect of the army's being supplied with provisions by the exertions that are making in the states we have heard from. Congress does not entertain a doubt of the New England states exerting themselves.

I flatter myself your Excellency met the General Assembly possessed with every sentiment necessary for carrying into immediate execution every requisition of Congress and their Committee at headquarters. How far they have adopted them I wish to be informed.

It is agreed on all hands the whole state of South Carolina hath submitted to British government, as well as Georgia. And I shall not be surprised to hear North Carolina hath followed their example. In a word, we have but little to expect south of Maryland. The once patriotic state of Virginia weighs but little at present, in the scale of defence or the furnishing of men or supplies. Her whole attention is engrossed in making sale of her out lands.

The little State of Rhode Island hath loaned more money to the Continent than every state south of this, which will, I apprehend, cause a great difficulty in liquidating the Loan Office certificates. I have moved in Congress for a warrant in favor of the State, for the money due on the State account. It is referred to the Treasury Board. They have not reported, and I fear they will not soon. The demands on the Continental Treasury is twenty times as much as they at present can pay. But you may rest assured, nothing on my part shall be left undone to obtain the warrant. At the same time, as a friend to and member of the State, I must beg they will pay no more money on Continental account than is absolutely necessary for the salvation of the country. I foresee so many unthought of difficulties in the settlement of their accounts, that I fear the State will be a great sufferer in what is paid already. It is impossible for Congress, at present, to enter upon commercial affairs ; therefore I have made no mention, in consequence of the instruction I received from the Council of War, but I find that, by

the desire of Congress, our Minister at the Court of France had the eleventh and twelfth articles of the Treaty of Amity and Commerce expunged, and both nations left to lay what duties they pleased, for which we may thank our brethren in the southern states. The different policy of the several states, and too many of them turning all their views to their own advantage without consulting the common good, cause some able politicians to think that our political salvation depends, in a great measure, on a controlling power over the whole being lodged in some person or persons. I wish to have your Excellency's sentiments upon this subject, before the matter is taken up in Congress, which I think will be soon, as the Union is too much dissolved in some of our sister states. Whatever your sentiments may be, will be my line of conduct. I fear the ability of the State to carry the several measures into execution. I hope nothing will be neglected that is possible. You may rest assured, if our Independence is established, New England must do their full proportion, as there is not that unanimity in the southern states which I could wish. There are many more circumstances to communicate to you, but I have already written to a great length, and perhaps been more general than some may think necessary; but when I know it is the wish of my constituents, I shall endeavor to gratify them in a more particular manner. * * * *

I have the honor to be your Excellency's

Most obedient, humble servant,

EZEKIEL CORNELL.

N. B. — Congress has ordered five thousand militia from Virginia, and the same number from North Carolina, to be immediately embodied and repair to the southward, under the command of Gen. Gates, to reinforce the Continental troops under the command of Gen. Smallwood. The enemy yet remain in Jersey.

GOV. GREENE TO EZEKIEL CORNELL.

IN GENERAL ASSEMBLY, NEWPORT, July 22d, 1780.

SIR: — I am requested by the General Assembly to inform you, that the demands for money upon this State, in the various staff departments, particularly the Quartermaster's, are immensely greater than our abilities. Every exertion has been made with the greatest cheerfulness, and nothing will prevent a continuance, but absolute impossibility. The necessity for large expenditures, are daily more urgent from the variety of circumstances attendant upon the fleet and army of his most Christian Majesty. This State being the place of their present residence, is in some measure considered as possessing the treasury of America.

In a short time, if the demand for money shall be continued, we shall be totally unable to answer them. It is necessary, therefore, that Congress be informed fully of these circumstances. You will immediately communicate them and urge their earliest attention to our situation.

I am, sir, your most obedient servant,

WILLIAM GREENE.

The preceding letter, with also one of the 25th of July, not to be found, was laid before Congress, as appears from the following extract from their journal, under date of Aug. 15th.

“RESOLVED, That the following letter be written by the President of Congress to Gov. Greene.

“SIR :—Your letters of the 22d and 25th of last month, to the delegates of your State, have been laid before Congress ; and in answer thereto, I am to acquaint you that Congress has a proper sense of the exertions of the State of Rhode Island and Providence Plantations in the common cause ; that any disbursements, which may be made by that State for the use of the United States, beyond its quota, shall be reimbursed as soon as circumstances will admit ; that Congress depends on the several states for the necessary supplies of money for carrying on the war ; that the bills of credit to be emitted, in pursuance of the resolutions of the 18th of March last, will yield a supply as soon as the several quotas of the Continental bills of credit are collected to be destroyed ; that the quota of the aforesaid bills for your State shall be transmitted as soon as possible after a copy of the act complying with the resolution is received. If taxes were laid payable in new bills or specie, it would have a good tendency to introduce the said bills into circulation in full credit.”

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, July 24, 1780.

SIR :—I have the honor to acknowledge the receipt of your Excellency's letter of the 11th inst. this day. There are official accounts, that Admiral Graves and Arbuthnot, with twenty-one ships of war, sailed from Sandy Hook, making their course south east by south until they were out of sight, their destination unknown. Various are the conjectures ; some suppose Rhode Island, others that they are gone in quest of the reinforcements expected from France.

Since my arrival at this place, I have spent a considerable part of my leisure time, of which I have plenty, in making myself acquainted with the institutions of the several chambers of accounts and their methods, together with the conduct of all persons employed in public business under the immediate direction of either of the boards. That I should be thought either imprudent or indelicate, I must omit entering into particulars on this subject. But the want of decision is evident, and oftentimes in matters of great national concern at this critical juncture; and it is too evident that a general languor hath spread itself over all our public transactions.

Our finances are in a most deplorable situation, and but little attention is paid in order to put them upon a more respectable footing. The task being difficult, and the complicated obstructions that always stare us in the face at first view, appear to me to be the reason that no more attention is paid to so great a national concern. I wish the time may not be near, when the most fatal consequences will overtake us, merely for want of money for public purposes. I wish you not to construe this letter to be written by the dictates of fear. I assure you it is not, but with that truth and sincerity that a servant of a free people ought to use.

I have also paid attention to all our foreign intelligence, and upon the most favorable construction I cannot see the least probability of peace taking place, unless some capital stroke can be struck this campaign, in this quarter. It is probable that Great Britain will propose a truce with the several states for a limited time; the propriety of conceding to this measure, I must leave you to judge. It appears the victory the Britains obtained at Savannah last fall, hath much revived their hopes in Europe. The effect the reduction of Charleston will have, I must submit to your better judgment.

I should be happy if a more pleasant scene presented itself to my view, than prosecuting the present campaign and making preparations for the heat in our exhausted situation; but as through that door at present is all our hope of political salvation, I trust the united efforts of America, joined heart and hand in this common cause, in a more zealous manner than they have been of late, will show to the country that no difficulties are insurmountable, when fired by that noble ardor that burns in the breast of every true American.

I have the honor to be

Your Excellency's obedient humble servant,

EZEKIEL CORNELL.

N. B.—The fleet mentioned, sailed on Thursday last.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, June 27th, 1780.

DEAR SIR : — I do myself the honor to write your Excellency, though, at the same time, I am almost ready to believe my letters are not agreeable, as I have not received one line since I left the State.

Congress has taken up and settled the scale of depreciation upon which the Loan Office certificates are to be paid off. All those bearing date on or before the first day of September, 1777, are upon par with silver and gold ; those dated March 7th, 1778, at three-quarters ; those on the first of September, 1778, four for one ; those on the first of March, 1779, ten for one ; those on the first of September, 1779, eighteen for one, and those on the 18th of March, 1780, forty for one, and from period to period in geometrical proportion. This business has taken up much time in Congress, occasioned by the different interests in the states and individuals concerned. Bad as it may be thought by some, it is the best that could be obtained. It has become absolutely necessary to establish public credit upon some basis ; otherwise, from appearances, the army will disband and our country be lost. The embarrassments of our public measures are beyond description, owing to the want of money.

The merchants of this city offered Congress that they would supply the army with three millions rations of provisions and three hundred hogsheads of rum, delivered in camp, to be paid for in six months, with interest at six per cent. per annum. The offer is accepted. The merchants have subscribed a fund of three hundred thousand pounds, hard money, and are sending the provisions forward, which, I trust, will be a momentary relief. At the same time, it is to be hoped no one state will fail to exert itself in forwarding its quota of supplies, as the enemy built their greatest hopes on our not being able to feed an army sufficient to look them in the face.

I have little encouragement that I shall be able to obtain any money on the State's account. Massachusetts and New Hampshire have since applied in the same manner, but have as yet not been able to obtain any.

I wish some one of my colleagues may arrive soon. The State of Rhode Island is now the only State in the Union that is represented by only one member. I shall be soon out of cash. The expense of board in this place is beyond description.

Mr. Ellery is appointed one of the Commissioners of the Board of Admiralty. He hath also informed me that the General Assembly resolved, sometime since, that tomb stones should be erected to the memory of Mr. Ward. He hath nearly got the stones completed, and now calls on me to see the same finished. I wish your direction ; and in order to see the work

finished, I must be furnished with between three and four thousand dollars.

There was a severe skirmish in Jersey on Friday last, between a party of the enemy and a detachment of our army under the command of Gen. Greene. From the best accounts, no great advantage was gained on either side,—the loss supposed to be considerable. It is said Col. Angell's regiment behaved exceedingly well and have suffered greatly. No particulars have yet come to hand. The enemy burnt every house in the town of Springfield, save three, on the day of the action, and are now at Elizabethtown Point.

I have the honor to be your Excellency's most obedient servant,
EZEKIEL CORNELL.

P. S. — Since writing the above, the enclosed papers have been published, which more fully explains some things I have mentioned.

A resolution has this moment passed Congress, ordering all moneys loaned since the 18th of March last, and all further sums that shall be loaned, to be paid at forty for one, with interest at six per cent. per annum, until paid.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, June 30, 1780.

DEAR SIR : — I do myself the honor to enclose to your Excellency, a list of the quotas of money due from each state to the Continent, for taxes for the years 1778, 1779, and for the months of January and February, 1780 ; also, a list of all the money loaned from each state respectively.

I have little news to write at this time, more than is contained in the public papers inclosed. To give you a history of our public affairs, would only serve to hurt your feelings, by a repetition of the want of money, which I will not undertake at this time, but submit our situation to your own judgment formed from the intelligence you already have received.

New Hampshire, Massachusetts Bay, Connecticut, New York, New Jersey and Maryland, have adopted the resolution of Congress of the 18th of March last, and passed acts for funding their proportion of the new money. It is expected that Virginia will immediately do the same, if not done already. I cannot willingly admit a doubt to remain on my mind, that our State have not adopted the measure, as I think the people before this must be convinced of the necessity of adopting the measure, if not of the justice.

I cannot help mentioning how far some of the states have furnished supplies for the army agreeable to a resolution of Congress of the 28th of February last. New York and New Jersey have furnished the whole and more, and can supply no more at any rate ; therefore, you will see the necessity of the other states exerting themselves. I hope other states will be

better able to comply with the requisitions than I think Rhode Island is. At the same time I cannot doubt her exerting herself even beyond her ability, and thereby come nearer furnishing the supply demanded, than some other states better able, as often hath been the case.

Your Excellency will receive by the bearer of this, or soon be informed of a warrant on Mr. Clark, for the State's proportion of ten millions of dollars, ordered by a resolution of Congress of the 19th of last month; also, the State's proportion of bills of exchange, drawn on Mr. Franklin and Mr. Jay, by order of the aforementioned resolution, which in consequence of one of those blunders, which in Congress are not looked upon as miracles, have slept until this day, though at the same time the treasury board were ordered by the resolve to forward them without delay.

I cannot forbear mentioning that I should be exceedingly happy to hear by every convenient opportunity, how public matters are going on in the State. I am often called upon in Congress, to know what is doing. I can only say, I have received no intelligence, but have reason to believe the State will do every thing in her power. I wish to be informed to what time you have received the Journals of Congress, and I will endeavor to forward them from that to this time.

I have the honor to be your Excellency's

Most obedient and humble servant,

EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, July 9th, 1780.

SIR: —I do myself the honor to inclose to your Excellency, the late newspapers, to which I must beg liberty to refer for news. I have not one word to write. Congress has received no despatches for a week past. I also, enclose you the proceedings upon the motion I made in Congress, for a warrant to issue in favor of the State for three hundred thousand dollars. I only wait a favorable opportunity to renew my motion. How far I shall succeed I cannot say. The bills of exchange I mentioned in my last, that would be sent to the State are again stopped by a quarrel between the treasury board and keeper of the Loan Office in this city. There is such a fatality attending them that I despair of any being sent in. Delicacy forbids my mentioning the constant obstructions our public business meets with, by the quarrels and petty disputes that are subsisting between the several boards, and civil officers serving under Congress, of which there is by far too large a number; I am confident more than the Continents can maintain. It would surprise you to see the constant grants that are made them. Many members wish to lessen their numbers. They are appointed and have their friends, and

how to get rid of them is the question. Mr. Henry Laurens sails to-morrow from this place for Europe, as Commissioner from these states to the United Provinces, to negotiate a loan, if possible.

By the last intelligence from the army, they were well fed. Our fears that they would suffer for want of bread, is much abated, the new crop is now harvesting, and is like to be a plentiful one, instead of not a quarter, as was reported a little time past.

I have the honor to be

Your Excellency's most obedient humble servant,

EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, July 13th, 1780.

DEAR SIR:—I do myself the honor to acquaint your Excellency that I am informed that the General Assembly have ordered that the State shall be represented by only one delegate in Congress. I am bound to confide in their wisdom; at the same time, I think it a greater trust than ever fell to my lot before. The state of Georgia, now in the enemy's possession, has at this time four members present. Their expenses, which are not the smallest, paid by drafts on the Continental treasury, for which their state is to be accountable when recovered from the enemy.

A letter was this day read in Congress from Gen. Washington, setting forth the great want of marquees and tents; also another from the Quartermaster General, stating the cost of the number wanted,—at the same time representing that it was out of his power to procure them, for want of money. Gen. Washington expressed an earnest desire, if Congress could not furnish the money, that they would recommend it to the merchants of the four New England states, to furnish them, in the same manner that the merchants of this city furnished provisions and rum for the army. The letter is referred to a committee of all the New England delegates. They have not made any report, but I am ready to believe they will report in favor of the plan proposed by the General, for it is out of the power of Congress to furnish them, without the immediate assistance of the states or individuals. Should Congress adopt a plan that would appear generous, I flatter myself the merchants in New England will be as ready to lend a helping hand as those in Philadelphia, and those in Rhode Island, according to their ability, among the foremost. You may expect to hear from me again soon, on this subject.

I beg your Excellency will excuse me. I cannot help entreating in the most earnest manner, that you will communicate to me as often as convenient, all public transactions of the State. I am repeatedly called on by

Congress and the members, to know what the little State of Rhode Island . is doing, in this time of distress. I have only been able to say, that if they would only judge from her former conduct, they had nothing to fear from that quarter, until within a few days, when I had the good luck to receive *The Gazette*, containing the laws for sinking twenty thousand pounds, and for raising six hundred and odd men for filling up our Continental battalions. The whole was highly satisfactory to Congress. They are anxious to hear the State hath fully complied with the resolutions of the 18th of March last, especially the delegates from the New England states.

I have the honor to be your Excellency's

Most obedient, humble servant,

EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, Aug. 1st, 1780.

DEAR SIR : — I do myself the honor to write your Excellency by this post. Although I have nothing new to write, yet, like all the human species, I cannot help complaining when in distress. All public business appears to be nearly at a stand. Part of the ten millions of dollars the states were called on for, by the resolution of the 19th of May, hath been paid into the treasury, which gave us a momentary relief, but is now every farthing expended. Our public officers cannot command any, if the salvation of our country should depend on that single point. The necessity of appointing Gen. Washington sole dictator of America, is again talked of, as the only means, under God, by which we can be saved from destruction. At the same time, some reprobate the measure. It appears to me that of two evils, necessity will soon compel us to make our choice. I hope we shall be so wise as to choose the best. The people will not work for the Continent without money, nor trust her for any articles wanted for the army. Therefore they must be supported by the force of military law, or disband until the new bills are put into circulation,—when that will be I know not.

I have the honor to be your Excellency's

Most obedient, humble servant,

EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, Aug. 8th, 1780.

SIR : — I had the honor to receive your Excellency's letter of the 22d ult., by yesterday's post. I immediately communicated the contents to Congress. It was referred to the Board of Treasury, for them to consider and report what could be done, as they are supposed to be masters of our

finances. I shall do everything in my power to obtain a speedy determination, and, as soon as obtained, I shall lose no time in transmitting the same to you. It is with concern I inform you I have it not in my power to give you any encouragement that you will receive any relief from Congress. I can only add they have it not in their power to grant relief on any one application for money, let the sum be ever so small.

I mentioned to you sometime since that Gen. Greene had declined serving as Quartermaster General, which was accepted after near a week's altercation, and Col. Pickering was appointed to that place, with the rank of colonel and pay of brigadier general. I have been alarmed, for several days past, by a prevailing report that Sir Henry Clinton was gone to Rhode Island with a formidable land force, to attack that place. The alarm hath now ceased. Gen. Washington informed us yesterday that Sir Henry, with the troops under his command, had returned to New York, after waiting several days in Huntington Bay.

I have nothing further to acquaint you with worthy of your notice. Congress has not passed any resolutions of any considerable consequence, except that respecting the Quartermaster General, since I wrote you last. To enter into a detail of all the difficulty and embarrassments, that attend all our public measures, for want of money, would only serve to hurt your feelings. A line from your Excellency, at every convenient opportunity, would be gratefully acknowledged by him who hath the honor to be

Your Excellency's most obedient and most humble servant,
EZEKIEL CORNELL.

P. S.—Since writing the above, an express hath arrived from General Gates, in North Carolina. The accounts from that quarter are not so favorable as I could wish. The want of money is equally the same there as here. The want of provisions is extremely great in the southern army, even to that degree that they are without either flesh or bread, living on vegetables. We are endeavoring to fix on ways and means, to make more ample provisions for their support. I fear you think I delight in informing you of only the gloomy side of our public affairs. I assure you I should be exceedingly happy, if truth would justify a different language. The enemy by the last accounts, are in full possession of South Carolina and Georgia, and a small part of North Carolina, beyond Pedee river. Congress is endeavoring to put the army under Gen. Gates, in a situation to be able to confine them to the limits the General shall fix.

EZEKIEL CORNELL.

The movement of Sir Henry Clinton, referred to in this letter, caused no little excitement. Its object was supposed

to be an attack on the French troops, under Count Rochambeau, and vessels of war under Admiral De Terney, which arrived at Newport, July 10. Gen. Heath, on the 25th of July, then in command of the Continental troops in Rhode Island, forwarded to Governor Greene, by request of Count Rochambeau, for a reinforcement of two thousand men, fifteen hundred of whom, by direction of General Heath, were to rendezvous at Tiverton. Gov. Greene ordered out all the militia of the State, to assemble at different posts, to await further orders, and gave notice of this order to Gen. Heath on the 27th. Large numbers of the militia of Massachusetts and Connecticut were also ordered out by the Governors of those states to assist in the protection of the French armament. Sir Henry Clinton returned to New York on the 3d of August, and the troops called to oppose him were generally discharged by the 8th of the month.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, August 15th, 1780.

SIR:—I had the honor to receive your Excellency's letter of the 25th ult. by yesterday's post. It gave me great pleasure as it, in a measure, enabled me to give Congress the information they have often called on me for, and that from good authority, and in such a measure as was perfectly agreeable to them; and you may rest assured the State, (though small,) stands high in the opinion of Congress, which tends to make their delegate as happy as our distressed situation will admit. He has the vanity to think he has both the confidence and respect of Congress as much as though he represented a state much larger. At the same time, I have a particular pleasure to find that the State has passed a law for funding the money ordered to be emitted, by a resolution of the 18th of March, as it was the only means that appeared to be left to supply the wants of money (and of the most pressing nature,) for carrying on the operations of the present campaign. But still, I fear one difficulty will attend the facilitating of this business; that is, I fear the Board of Treasury are greatly in arrears, in stocking the new money for the several states that have sent their acts of Assembly to Congress, and that occasioned by some of the reasons I have mentioned in some of my former letters. In my last, I men-

tioned communicating your letter of the 22d ult. to Congress, and that it was referred to the Treasury Board. Upon receiving your letter of the 25th, I pressed the matter. Congress has this day come to a resolution directing the President to send a letter to the State agreeable to the sum fixed by them. It is very polite, and expressive of the highest satisfaction in the exertions the State has at all times made in this contest, promising payment for any sums the State may advance to the staff department. It is but a cold way of advancing money; but you may rest assured, it was all Congress could do, and much more than they would do for some states. All circumstances considered, I hope the State will make themselves as easy as possible.

The President of Congress lately received a letter from the Count De Rochambeau. It was exceedingly polite, and its contents must do the heart of every American good that had the pleasure to hear it read; but more especially, if he belonged to the states of Massachusetts or Rhode Island. He appeared to be much pleased with the conduct of the militia, that came to his assistance, and bestowed on them the highest encomiums, appearing to be perfectly secure for Newport from any visit Mr. Clinton might please to make. The Minister at this place appears to be much pleased with the Count's representations to him. I hope the people of Rhode Island are as much prejudiced in favor of the French gentleman at that place, as I am with the Minister here. I must confess, if I ever was prejudiced against the French, it is all at an end, as I think it must be with every American, who has the honor to be acquainted with the Minister, if he can be allowed a true Frenchman. To see his polite, unaffected easy manner of address, the kindness and abundance of good nature, with which he treats all ranks and orders of men, his excessive fondness for Americans as allies; to which may be added, the ease and comfort every one enjoys, that has the honor to dine at his table, free from every kind of ceremony or formality, every one left to eat and drink as he pleaseth, stay as long as he pleaseth, and go away when he pleaseth. I want words to express and shall not intrude on your patience.

The President received yesterday a large packet from Mr. Jay, dated Madrid, May the 9th, 1780. There was no public news. The chief contents were the ideas and politics of that Court. Upon the whole, I think it may be considered rather favorable towards these states. Particulars I am not authorized to mention.

For public news, I must beg liberty to refer you to the enclosed papers. No resolutions of any considerable consequence have passed since my last, only the drawing Bills of Exchange on Dr. Franklin, for one hundred thou-

sand dollars in specie, to be sent to southern department to supply a military chest.

I have the honor to be your Excellency's

Most obedient humble servant,

EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, Aug. 22d, 1780.

DEAR SIR:—I do myself the honor to write your Excellency by this post. Although I have in my former letters mentioned the exhausted state of the Continental Treasury, I have not mentioned it on an occasion in which I was so immediately interested as in the present. On the —— day of July last, I obtained a warrant on the Treasury for five thousand dollars, for which the State was to be accountable. As will appear from the Journals of Congress for that month, I have not been able to obtain one shilling of the grant, nor do I see the most distant prospect. I am entirely destitute of cash, even sufficient to pay for my week's washing, notwithstanding I have borrowed two thousand five hundred dollars of Col. Pettit, which is now wanted. I am also in arrears for my board, and that is expected to be paid every week, and really wanted. Board is exceedingly scarce to be got in this city, and generally undertaken by people in scanty circumstances, who want the money due for one week to go to market with the next. My board now costs me one guinea per week for myself, exclusive of any kind of liquor, and half that sum for a servant, in specie, or the exchange at seventy-five for one, which is much less than many of the members pay, or than I paid for the first six weeks. This is truly my situation, and I know of no relief but through your interposition, which necessity obliges me earnestly to entreat. I am sorry to trouble you with a request of this kind at a time when I am sure your time must be fully employed in business of the utmost importance, and would not have made the application if it was in my power to obtain relief in any other way.

By letters this day read in Congress, from headquarters, there is neither bread nor flesh on hand sufficient to serve the army two days. To which, let me add, the state of the treasury. I must then beg liberty to refer my feelings on the occasion to your own judgment. I cannot help mentioning these occurrences to you. Perhaps it may be occasioned by an overheated zeal for the cause we are engaged in. I can assure you it arises from no ill design; and must beg of you and the Honorable General Assembly to pardon me in whatever is over prompt.

Read in private what they shall think necessary, and expunge whatever shall appear superfluous in this and my last letter.

I take the liberty to mention one other melancholy circumstance among others, that at this time present themselves to my view on relating this.

The Tories in the lower county of Delaware grew mad at paying taxes. About three hundred of them flew to arms and bid defiance to all authority. The militia of the state was called out and have quelled the rioters, but not without the loss of a number killed and wounded, on both sides. I have not yet been able to obtain all the particulars, but this is certain.

Since my last, Congress has received a letter from Mr. Jay, dated Madrid, the 30th of May, by which it appears a difficulty is likely to arise in settling a treaty with the Spanish Court. The King of Spain, by his minister, demands as one article in the treaty, the free, entire and absolute navigation of the river Mississippi; which Congress will not willingly agree to.

I have the honor to be your Excellency's

Most obedient and most humble servant,

EZEKIEL CORNELL.

N. B. — Since writing the above, Mr. Stansten one of the delegates of the state of New Jersey, delivered me a schedule of the acts of their General Assembly, and wishes one of ours in return may be sent. I have enclosed the one I received, and should one be sent, I shall take care to see it delivered.

GOV. GREENE TO COMMITTEE OF COÖPERATION OF CONGRESS.

WARWICK, STATE OF RHODE ISLAND, &c., }
August 22d, 1780.

GENTLEMEN: — Yours of the 16th inst. is now before me, the contents of which is truly alarming, and I am sorry to be under the necessity of informing that it is not in the power of this State to afford the assistance required of them, by reason of the late attempt of the enemy, which was apprehended were embarked with design to attack the French fleet now lying within the harbor of this State, the whole militia being called in and detained on duty near two weeks; in consequence thereof, and the whole of the men raised here to serve for six months, together with the other part of Col. Greene's regiment, being detained here, we have made use, as Mr. Charles Holden, the State's Commissary of purchases, informs me, of nearly the whole of the supplies required of this State to the present time. As the enemy continue to block up this harbor, it is very probable said regiment, together with the three months' men to be raised, will be continued here, and, of course, will require to be furnished with this State's quota of said supplies. Add to this, the French fleet and army being here, procure a much larger

proportion of their necessary supplies from this State than what they do in the other states, owing to their being at a distance. When you consider these circumstances, and the smallness of this State, I doubt not you will readily agree with me, that it is not in the power of this State to furnish the grand army with any of these supplies at present. But whenever the enemy may leave this State, and the troops above mentioned may be ordered to join the grand army, you may depend upon every exertion in the power of this State will be made use of to obtain and forward their full quota of said supplies to the grand army.

I am, gentlemen, with respect and esteem,

Your most obedient, &c.,

WILLIAM GREENE.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, August 28th, 1780.

DEAR SIR:—I do myself the honor to enclose to your Excellency several late acts of Congress, which I have been the more careful in doing as I expect the Honorable the General Assembly will meet about the time this will reach you. I cannot help making some remarks on them, especially the one for raising three millions of dollars by tax; it is of great importance to these states. If it can be raised by the time limited, it will give such relief as to enable Congress in some measure, to fulfil their promises and keep up some kind of credit, provided, the new money goes into circulation pursuant to the resolution of the 18th of March. But the whole taken together, will be short of sufficing to discharge the public debt of the current year. But when I consider the inhabitants groaning under the burden of the monthly taxes, already called for, and the other incidental charges that arise in the several states, to which may be added the reluctance with which the inhabitants, in some of the states, pay their taxes, I almost despair of the three millions of dollars, equal in value to silver and gold, being collected. And without that sum being raised, and the four-tenths being punctually paid, I see no practicable means of ever keeping the army together for any considerable time; and at present I see no other way of raising money than the aforementioned. At the same time my feelings are exceedingly hurt when I reflect on the inability that I fear my constituents in general labor under, in making payment of all the public money and stores demanded of them. It is a popular opinion here, that the whole expense arising in these states for public uses, is practicable, and ought to be paid by public taxes, within the year, which will amount to at least fifteen millions of dollars of specie value, upon the most economical plan. Borrowing money at present, is scarcely practicable, at home or abroad. A

foreign loan cannot be expected unless a sufficient fund is raised to pay the annual interest, at least, and appropriated to that use by certain and fixed laws. The raising such a fund is now under the consideration of a committee of Congress, appointed for that purpose. They have not reported, but have in contemplation to recommend to the several states to lay a duty of two and a half per cent. on all exports, or one and a half on all exports and imports; and a duty of two and a half on all prize goods, to be appropriated towards the support of the Continental navy. The resolution for liquidating the outstanding debts in the staff department, I think must give some satisfaction to the creditors, and is so just, I apprehend, as to give offence to none; especially, where more than an equal proportion is due, as in the case in Rhode Island. Be that as it will, necessity and policy obliged us, if we were poor, to do something that had the appearance of honesty. The complaints of public creditors were become exceeding loud, and it was entirely out of our power to make payment.

The resolution empowering the Quartermaster General and Clothier General of purchases, to give certificates, I hope will give some relief in this time of general distress for want of money. But there are yet remaining many demands for money of the greatest importance to the operations of the present campaign, that no possible means can yet be found to supply.

These hints that I have thrown together, not that I wish to direct, hinder, or discourage any measures that are undertaken; but that I may be directed. By living in this city three or four months, I know but little of what will be agreeable to my constituents. To do which and render my country real service, would be the summit of my ambition. Some of the members that have been in the city a much longer time, appear to me to know less of the ability and disposition of their constituents than I do, which, I apprehend, sometimes causes a difference in sentiment.

I have the honor to be your Excellency's

Most obedient humble servant,

EZEKIEL CORNELL.

P. S.—I should not be so positive in the annual expenses, had I not the honor to be one of the committee appointed to make an estimate of the expenses of the current year, which, as soon as completed, I will endeavor to send you a copy of.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, August 29th, 1780.

DEAR SIR:—Since the enclosed letter of the 27th inst., several matters of importance have been laid before Congress, which I think it my duty to acquaint your Excellency with.

Firstly, a long letter from Gen. Washington, giving a summary account of the complaints of the army, truly great, if not alarming, stating to Congress the absolute necessity of giving relief. Also, the ill policy of bringing men into the field for short periods, together with many more difficulties too tedious to trouble your Excellency with. Also, the proceedings of the committee from the New England States, which I make no doubt, your Excellency hath received a copy of, before this will reach you. All this has been referred to a committee that was before appointed to make an estimate of the current and ensuing years, and to provide ways and means for procuring the necessary supplies. It appears at present, that Congress are determined to recommended spirited measures to the several states, which I hope they will adopt, that we may no longer lull ourselves to sleep by a false hope of peace, or ruin ourselves by frequent alterations of our systems in the great departments, which our army now feel the effects of in a severe manner. I should have been exceeding happy to know the sentiments of the Honorable General Assembly on the proceedings of the committee of the New England states, the more so, as it appears Gov. Bradford was not present. Many and perplexing are the difficulties that attend the measures undertaken by Congress. But this, I can assure your Excellency, that I never had the honor to be acquainted with any set of men whatever, in which party made so little appearance, as in the present Congress, and nothing appears at present to be their wish but the public good.

Yesterday a letter from Gov. Trumbull was read in Congress, accompanied with letters and petitions to him from the inhabitants of New London, Groton and Stonington, complaining of the proceedings of Dr. Howell, in bringing goods from Long Island to Pawcatuck river, supposing the protection signed by the President of Congress was illegal, or a forgery. But for the present, let it suffice for me to say, the protection was legally obtained in Congress, upon a representation that he was a friend to these states, and that it was the interest and ought to be the policy of these states to introduce all such people and their property into them, as power and dominion consists in the number and weath of the inhabitants. One resolution I have mentioned, is in the enclosed newspaper, to which I beg liberty to refer you, as I had not time to copy it. Some other late acts of Congress have passed, that I should have been happy to enclose, but had not time to copy them. I hope the one enclosed respecting the flour, will enable Mr. Southwick to repay all he has borrowed, as well of the inhabitants as our allies.

My enclosing these resolutions will not hinder the Secretary of Congress from forwarding them in the usual manner ; but lest they should not arrive

before the Assembly should rise, I have done myself the honor to enclose them, as I supposed they wish to know what we are about.

I have the honor to be your Excellency's

Most obedient humble servant,

EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, Sept. 10th, 1780.

DEAR SIR: — Offensive operations are no longer talked of for the campaign. Our thoughts are now turned to consider what our army will be on the first of January next, which appears melancholy. But our thoughts are here interrupted by reports more melancholy,—that of our present army starving. I have letters from general officers, dated Hackensack, September 5th, averring the army had been with meat only two days in seven, including the 5th, and no prospect of any. It is my private opinion, if the states do not comply more fully with the recommendations of Congress, the army will disband. Can we expect they will stay in the field without pay or subsistence? It is well known Congress has no money at command, either to pay for subsistence or wages. Who is to blame I cannot say, but I am confident it is in our power to give the troops meat, if we cannot give them pay, which has not been the case for half the days the month past. The army now live principally by plunder, both for meat and forage, and will, if they keep together I fear, soon become free-booters. And I think every man must feel for the inhabitants where the army marches. .

Since I wrote you last, intelligence has been received from Gov. Nash that Gens. Smallwood and Gist, with about three hundred of the Maryland and Delaware troops, cut their way through the enemy, after Gen. Gates left them, and made their retreat good to Charlotte, where they made a stand, notwithstanding they were pursued by a party of the enemy's horse, which they entirely defeated. What can atone for the cowardly behavior of those poltroons who infamously fled and left such brave fellows to be sacrificed.

Enclosed is the stone cutters' bill for the tombstone. I am often dunned for the amount.

PHILADELPHIA, August 8th, 1780.

GEN. CORNELL TO ALEX'R CRAWFORD: —

To a marble tomb for Gov. Ward,	£17	00s.	0d.
To 418 letters @ 4d. per letter,	6	19	4
To fixing the stone in the pavement,	1	00	0
To drayman, for hauling said stone,		3	9
	£24	3s.	1d.

The above account to be paid in hard cash or the exchange in Continental currency, as it currently passes at the time of payment.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, Sept. 19th, 1780.

DEAR SIR:—I do myself the honor to write your Excellency by this post; and am sorry to acquaint you that, notwithstanding public business of the most pressing nature is now suffering before Congress, we have spent three days to no purpose in the affair of Vermont, and are still engaged in the same business; and when we shall get clear of it I know not, or what we shall do in the affair. The Yorkers treat the matter almost beyond the bound of modesty. I can only say I am sorry from my heart that Congress has taken up the matter, by their former resolution, in the manner they have. And let us do what we will, I fear the most fatal consequences will follow. I cannot give you particulars at this time.

By intelligence from several quarters, it appears the enemy are preparing to push their operations to the southward by the taking possession of Portsmouth, with a body of troops from New York, while Cornwallis endeavors to join them from the southward.

Congress has in contemplation to raise an army of thirty-two thousand non-commissioned officers and privates, to be in the field by the first day of January next, at farthest, to serve one year at least, to consist of four regiments of cavalry, four of artillery, forty-nine of infantry, and one of artificers; the whole to be proportioned to the several states, and all the rest and residue of the regiments and corps to be reduced on the first day of January next. The above is the report of a committee which is not yet considered, and probably will undergo some alterations, but I think the substance will pass.

Our loss of Continental troops in the late infamous flight on the 16th of August, near Camden, is very inconsiderable to what was expected from the tenure of Gen. Gates' letter of the 20th of August, from Hillsborough. Our people have retaken one hundred Continental prisoners, as the enemy were conducting them to Charleston.

I have the honor to be your Excellency's

Most obedient, humble servant,

EZEKIEL CORNELL.

GOV. GREENE TO EZEKIEL CORNELL.

PROVIDENCE, October 4th, 1780.

SIR:—Your favor of the 19th of September last, I received by the post, and note the contents, and am glad to find the accounts from the southward

turn out so favorable. Nothing very material has turned up here since I wrote you last. A frigate arrived at Newport on Saturday last from France, by the way of the West Indies, (she brought despatches for the Count Rochambeau and Admiral Terney,) but no particulars have as yet transpired. The Minister of France passed through this place for Newport last Sunday. The General Assembly, at the last session, at Newport, passed no public acts of importance enough to communicate to you. They will convene in this town on the last Monday in this month, agreeable to the order of the General Assembly at their late session. I now enclose a newspaper containing a copy of the act for funding the new bills ordered by Congress, and must request that you use your utmost influence to obtain from Congress a grant of a sum of money in favor of our State, as our treasury is almost exhausted, in a great measure owing to the large demands from time to time, for supply of the Quartermaster's department, which for a considerable time past, has been wholly supplied from our treasury.

I am, Sir, your most obedient and very humble servant,

WILLIAM GREENE.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, Oct. 10th, 1780.

DEAR SIR: — I do myself the honor to write to your Excellency by this day's post; and when I reflect that I have been honored by only two letters from you since I arrived at this place, I fear my scrolls have been disagreeable to you, but shall continue them until I am so informed.

The arrangements for the army have passed in Congress, in the same form I mentioned in my last. So far as respects the reducing of officers, is referred to Gen. Washington, for his opinion on the mode proposed, before it will be published. So far as it respects the number of troops and time of service for the ensuing year, is ordered to be sent to the respective states, which I apprehend you will receive before this reaches you, by which you will see our quota is five hundred and eighty non-commissioned officers and privates. I trust the State will have no objection to the number, and I flatter myself they will take measures to have the quota completed for the war, and in the field by the time limited. At least it is my most earnest wish. And I hope to be so happy as to have the Honorable General Assembly to concur with me in sentiment. Congress is busily employed in committee and otherwise, in reducing the public expenses and devising ways and means for raising money and supplies, and preparing an estimate of the national expenses for the year ensuing.

The affair of the Hampshire grants is yet before Congress undetermined, and I am not able to say positively, what will be done; but have reason to

believe commissioners will be appointed, agreeable to the confederation, to enquire into and settle the claims between the states of New York and New Hampshire, and report to Congress; after which, it is probable the independence of Vermont will be taken into consideration.

Congress has ordered an enquiry to be made into Gen. Gates's conduct during his command at the southward, and that he be suspended from his command until such enquiry be made, and directed Gen. Washington to send a Major General to take command of the southern army.

Your Excellency was pleased to inform me, in your letter of the 25th of July, that the General Assembly had, at their last session, adopted the resolution of Congress, of the 18th of March last, and fixed sufficient funds for the redemption of the State's quota. I expected the act would have been sent forward long before this, but as it has not come to hand, I wish to know the reasons, that I may be able to answer Congress when I am called upon, which has been done often. I have not the least doubt but it has been kept back upon just principles, and I wish the prospect of the new bills, having a quick circulation, was greater than I have any assurance of in those states that have received them.

Congress last week completed the system of the hospital department and made choice of the surgeons, physicians and hospital officers, by which means more than fifty surgeons, &c. have gone to the right about, by the number being lessened; by which means, also I am sure, much money will be saved, and I trust the sick will be better taken care of.

I have the honor to be with every sentiment of respect and esteem,

Your Excellency's most obedient, humble servant,

EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, Oct. 17th, 1780.

DEAR SIR:—I had the honor to receive your Excellency's favor of the 4th instant by yesterday's post, with the enclosed newspapers, containing the act of the Honorable the General Assembly, for funding the money to be emitted pursuant to the act of Congress of the 18th of March. The act of the General Assembly is referred to the Board of Treasury. As soon as the money is struck I shall endeavor to forward it to the State, without loss of time. How soon that business will be accomplished, I am not able to ascertain, but fear it will be some time. You may depend on my best endeavors to obtain a grant of money for the State, and I wish I could say that I expected success in the business. But, when I consider the large sums due to the states of New York and New Jersey, and the late applications made by them to Congress for relief, and that they received for

answer that it was inadmissible even to give them a draft on the Loan Office for a part of the four-tenths in their own state, I think I am not warranted to give you any encouragement that the request will be granted in our present distressed situation. At the same time, I could wish to have an exact account of the money furnished by the State to the Deputy Quartermaster General, as I am confident no grant can be obtained on general principles.

Necessity obliges me to hint to your Excellency that my circumstances, for want of cash, are not altered for the better since I mentioned that subject before. I do not complain, but submit my case to your own feelings, and rely on the justice of my constituents for relief.

Our affairs at the south wear, at present, a gloomy aspect. The enemy have, by the last official accounts, marched in force into North Carolina, and taken post at Charlotte, and I fear, (by the complexion of affairs,) soon to hear they have nearly possessed themselves of that state. Gen. Gates has lost all confidence with the people in that quarter, and, in a particular manner, with Gen. Smallwood, who is the next in command. Gen. Washington has not informed Congress of the officer ordered to take the command of the southern army. I wish it soon to take place, for at present you may depend all is in disorder and the utmost confusion.

I have the honor to be, with every sentiment of esteem and respect,

Your Excellency's most obedient humble servant,

EZEKIEL CORNELL.

P. S. — I received a large packet from Virginia, enclosed to your Excellency, containing sundry acts passed in that State, which I do myself the honor to forward by this day's post. I have also enclosed two newspapers, containing a particular detail of Major André's conduct, and the infamous Arnold's address, to which is added another prepared for the press by Mr. Secretary Thompson. Major André's trial is now in the press; as soon as published, I will do myself the honor to enclose one to your Excellency.

Yours,

EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, October 24th, 1780.

DEAR SIR: — I do myself the honor to enclose to your Excellency the proceedings of a Board of General Officers on the case of Major André, a view of tract of country called Indiana, and a resolution that passed in Congress, on Saturday last, together with this day's paper.

The Indiana affair is a matter of great consequence. The state of Vir-

ginia has undertaken to vacate the title made to the grantees, and take the land to themselves, which proceedings give much uneasiness to the original proprietors, as it is a country of immense value, and they have made applications to Congress for relief, who, in my opinion, have little to do in the affair; but both parties have their advocates. I shall make no comments on the resolutions of Congress, as my sentiments will appear by the yeas and nays. At the same time, I wish nothing therein contained may operate to the retarding of the recruiting service. You will also see the regiments are augmented, which was occasioned by Gen. Washington's informing Congress that he had been obliged, in his late conference with the French gentlemen at Hartford, to fix on a number of men for the next campaign equal to what is now called for, and that estimate was sent to France.

You will see by the enclosed newspaper, that good news from the southward, which is believed at this place. The bells have rung on the occasion, and many expect that Cornwallis will be Burgoynded. I hope he may. Gen. Greene is appointed by the Commander-in-Chief to the command of the southern army, and is expected in this city, on his way to take upon him his command, every hour. Gen. Gates who, but a little time since, stood high on the list of fame, stands at this time very low; and, in addition to his other misfortunes, has lately buried his son.

By official accounts received yesterday from Gov. Clinton of New York, the enemy were advanced from Canada to the frontiers of the state of New York, in two large bodies, consisting of regular troops, Tories and Indians; one by the way of the South Bay, the other by Niagara; and have taken several forts. The affairs of Vermont have slept for sometime, and nothing is determined. I believe when it was last debated, the gentlemen from New York did not like very well the sentiments of a majority of the members on the subject, and will let the affair rest until a change in members shall take place, that will better suit their purpose.

On Thursday last, a letter from Arthur Lee was read in Congress. The subject matter was taken up, and all the old members appeared perfectly acquainted therewith, though not fully agreed. I must confess I am not able as yet to find the right side of the question, if there is one; but I am sure there is a high quarrel which at present I wish to have no hand in; but it appears a winter's work is cutting out. I hope it will not operate to the procrastination of business of greater moment. I shall do myself the honor to enclose your Excellency a copy of Mr. Lee's letter, in my next.

The news of the capture of the English outward bound East and West Indian fleet, is this moment confirmed by a letter from Mr. [illegible], at Lisbon, who says five East Indiamen had arrived at that place, and brought intelligence that the fleet had almost all sunk their colors before they left the fleet.

I cannot help mentioning, (though with reluctance) that I am often dunned for money by the stone cutter, a bill of which I sent by Mr. Ellery. As it was a debt that came on me unavoidably, I cannot doubt the willingness of the State to enable me to pay the debt, and thereby extricate myself from a situation that is disagreeable.

I have the honor to be, with every sentiment of esteem and respect,

Your Excellency's most obedient humble servant,

EZEKIEL CORNELL.

N. B. — It is supposed that the force mentioned by Gov. Clinton is come down in consequence of the design the enemy had formed against that point in conjunction with Arnold.

I have been disappointed in obtaining the resolution of Congress,—shall endeavor to send it by next post.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, October 31st, 1780.

DEAR SIR: —I do myself the honor to enclose to your Excellency, the act of Congress mentioned in my last, with the yeas and nays.

The President of Congress will soon present you a resolution recommending to the several states, to levy their proportion of the six millions silver dollars, about four millions and a half to be paid in flour, pork, rum and salt, in certain quotas, at fixed prices, and the remainder in silver and gold, or the bills emitted in pursuance of the resolutions of the 18th of March last.

I am not able, at present, to inform your Excellency, when the State's quota of the new bills will be ready to go forward. You may rest assured nothing on my part shall be wanting for their despatch, as I apprehend, they will be wanted for the payment of the taxes.

John, Earl Cornwallis, we are informed, by an express that arrived last evening from Gen. Gates, has retreated in great haste from Charlotte to Camden; and North Carolina is once more clear of British troops. We have also official accounts, that the enemy have landed a considerable force in Virginia, near Portsmouth. Their exact force is not ascertained. They consist of sea and land forces, both horse and foot. Gen. Greene is now in this city, on his way to the southward, to take command of the army in that quarter. He intends to leave this place to-morrow.

I could wish you would send me an exact return of all the provisions furnished by the State on Continental account, since the mode of furnishing state supplies was adopted.

Mr. Rivingston says in his paper, that some of their brave fellows have taken our post with his mail, and carried both to New York. If this is

true, they must have taken a letter to your Excellency, dated either the 10th or 17th, of which I expect to be informed, as I suppose they will publish it. Either of those letters contain some particulars, I should by no means have written to the enemy. Yet conscious of the rectitude of my conduct, I flatter myself my character will not suffer, and I am sure they will not be much benefited. All this is upon the supposition they publish the letter.

I have the honor to be

Your Excellency's most bedient humble servant,

EZEKIEL CORNELL.

The committee to whom Gen. Washington's letters, and particularly that of the 11th, were delivered, presented a report which was read and taken into consideration, and in debating the following paragraph, to wit:

"That the Commander-in-Chief and the commanding officer in the southern army direct the officers of each state to meet and agree upon the officers for the regiment to be raised by their respective states, from those who incline to continue in service, and where it cannot be done by agreement to be determined by seniority, and make return of those who are to remain, which is to be transmitted to Congress, together with the names of the officers reduced, who are to be allowed half pay for ——;" a motion was made by Mr. Mathews, seconded by Mr. Madison, to fill up the blank with the words, "for life," on which the yeas and nays were required by Mr. Cornell.

It was resolved in the affirmative.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, November 9th, 1780.

DEAR SIR:—I do myself the honor to write to your Excellency, by the express that goes to carry the recommendation to the several states for levying a tax equal in value to six millions of dollars, (silver,) to be made as is therein recommended. Upon which I beg liberty to observe that the provisions are called for upon the most accurate calculation the nature of the business would admit, and upon the most mature deliberation. Congress were unanimous of opinion, that a less quantity could not be relied on with safety. The tax is proportioned, both as to the supplies and money, agreeable to

the proportion on which the first fifteen millions monthly was recommended. Great care hath been taken that the states be called on for such kind of provisions as each state could best furnish. It is probable that there may be some disproportion in the prices of the several articles, which is intended to be remedied by a regulation reserving the whole for a liquidation at a future day. The consideration of this business took up much of the time and attention of Congress, and they were fully sensible of the burdens their constituents groaned under, at the same time found themselves under the absolute necessity of making the recommendation. They could devise no alternative. I hope our State will adopt the recommendation and find their resources adequate to the requisition.

Much is said upon the subject of an armed neutrality, and some politicians conjecture it strongly forebodes a general peace. I confess I am not sanguine in my expectations on the subject, and can assure you, Sir, Congress has not received the most distant official hint that a peace is even conjectured by those neutral powers.

I enclose to your Excellency a copy of my letter of the 10th ultimo, that fell into the hands of the enemy; since Mr. Rivington has been so kind as publish it. His motives for so doing I am a loss to guess, but I must do him that justice as to say, he has given to the public an accurate copy.

Gen. Greene left the city on Saturday last, on his way to join the southern army; as did also the Baron Steuben.

We have had no news from the southward for a considerable time. It is generally believed the enemy have reëmbarked their troops at Virginia, though Congress has no official account. Where they are going to is not known, but it is probable further southward. A letter from Gen. Washington was read in Congress yesterday, informing that an embarkation was taking place in New York, supposed to reinforce their armies at the southward. Congress has received no official letters from abroad for several weeks past. And I have no further intelligence worth your notice.

I have the honor to be your Excellency's

Most obedient, humble servant,

EZEKIEL CORNELL.

N.B.—I apprehend you have not seen the arrangement of the army mentioned in the enclosed copy, as they fell into the hands of the enemy at the same time my letter did. The arrangement was afterwards altered and sent forward. I shall be more cautious in future in writing, as you can easily judge of my feelings, if some of the letters you have received had met the fate the one did of which the enclosed is a copy.

EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, Nov. 10th, 1780.

DEAR SIR :—The subject I am now to address your Excellency upon gives me pain. At the same time necessity obliges me to inform you that I am destitute of cash. I received, before I left the State, four thousand pounds, supposed at that time to be sufficient for sixty days expense. I have obtained from the Continental treasury, with much difficulty, five thousand dollars, all of which is expended, and I am much in debt and liable to be dunned every day in the week, which I am obliged to submit to, without any prospect of being able to make payment, unless I can obtain relief from you ; nor shall I be able to live in the place, much less get home. I do not pretend to claim your attention from any merit or demands I have a right to, upon any other principle than that of the treatment of former delegates. I hope you will pardon the freedom I have taken in this letter, as it was dictated by my feelings and not my wishes.

I have the honor to be your humble servant,

EZEKIEL CORNELL.

N. B. — My board is at present six silver dollars per week, exclusive of any kind of liquor, and half that sum for a servant. The exchange is at least eighty for one. And the new money will not pass at forty for one. My horse costs me twenty Continental dollars per day, in the Continental stable, which is less than I can get him kept for in any other place.

EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, Dec. 4th, 1780.

DEAR SIR :—When I did myself the honor to write to your Excellency last, I expected before this to have been on my way home. I impatiently wait Gen. Varnum's arrival. The money and bills of exchange would have been sent forward this day, had it not been for a blunder of the inspector of the press, which was not discovered until more than half the bills were struck, which must all be laid aside, the press set up anew and all the work done over again ; by which means it will not be ready to go forward till Monday next. However strange it may appear, that the money and bills of exchange are not yet sent forward, I can assure you it cannot justly be charged to my inattention to public business, and particularly what concerns the State. This, I believe, will be allowed by the greatest enemies I have in this place. Calumny and detraction runs high in this toryfied city, but I hope much good will come out of this modern Nazareth. The General

Assembly of the State, it seems, are now sitting, and have been for several weeks past, and appear to be determined to adopt vigorous measures by filling their Continental line of the army, furnishing the supplies recommended by Congress, together with many other good things, among which is a spirited resolution for putting the new bills into circulation. In a word, they appear to be disposed to do whatever is incumbent on them, for the public good.

The enemy left Virginia last week, and it is supposed they are gone farther southward, perhaps to reinforce Cornwallis, as it appears by some late accounts from that quarter that the militia make themselves more familiar in the neighborhood of his Lordship than he would wish.

I beg your Excellency will excuse me for not being more particular, as I can assure you it is not for want of inclination, but merely upon principles of prudence, as I know not whose hands this letter may fall into, and as I expect soon to have the honor of an interview with you, when I flatter myself no man will be more happy than I shall in giving you every necessary information in my power; and I hope it will be so far satisfactory as to convince you that I have not been inattentive to the duties of the appointment with which I was honored.

I have the honor to be your Excellency's

Most obedient, humble servant,

EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, December 30, 1780.

DEAR SIR :—I had the honor to receive your Excellency's favors of the 22d ult. and 7th inst. by the last post. The President is informed that you had not received the resolution recommending the six million tax. But he says it went by the way of Boston, and thinks you have received it before this. In my last I informed you of my intentions to return home, immediately upon being relieved. But you will see by the enclosed resolution of Congress, that I am elected as Commissioner of the Board of War. I confess I do not think myself fully justifiable in accepting the appointment without the approbation of the State, whose directions I conceive myself bound to observe. As I did not solicit the appointment, I flatter myself I shall be pardoned by my constituents; and I have undertaken the task upon no other principle than that of serving my country with honesty and faithfulness to the extent of my small abilities. As no more expense will accrue to the State on account of my delegation, I have enclosed an account of my expenses, and of the moneys I have received, and will send the vouchers by the first safe conveyance. I have sent to your Excellency by Col. Peck, a collection of accounts, expenditures and estimates, which have been taken

from the best authorities, and you may rest assured are as complete as our situation at present will admit. I at first collected the materials for my own information, and afterwards thought it might give you such information as would be agreeable, and to the Honorable the General Assembly such as might be necessary, and for that purpose, I wish through you to communicate the contents to that honorable body, with that degree of secrecy that you may think necessary. And if the information is received with one half the satisfaction it is given, I am fully paid for all the pains and trouble I have been at in making the collection, and the height of my ambition is gratified.

The President of Congress received yesterday despatches from General Greene, dated at Charlotte, the 7th instant. By them it appears he had relieved Gen. Gates and taken the command of the southern army. These despatches contain but little news; only that Col. Washington, of the dragoons, had taken by stratagem, a tory garrison consisting of a Col. Rugeley and one hundred and eleven of his associates, without firing a gun.

As I am now out of Congress, it is not in my power to give you a particular detail of the transactions of that honorable body. But I make no doubt you will receive the fullest information from Gen. Varnum, whose pen is more able than mine. At the same time I shall continue to embrace every opportunity in giving you every information that shall be for the interest of the State, so far as shall come to my knowledge.

As it is the height of my ambition to deserve well of my country, and, after the many honors conferred and trusts committed to my charge, by the State to which I belong, to be unmindful of her welfare would be the height of ingratitude; at the same time, to lie under any censure by my constituents for any misconduct, would be one of the most mortifying circumstances that could befall me. I must, therefore, beg you will be so kind as to inform me even if it be only supposed I have been guilty of any omission in the duty I owe the State, since my residence in this city, that I may endeavor to give satisfaction, either by information or retraction.

I have the honor to be with every sentiment of esteem and respect,

Your Excellency's most obedient and most humble servant,

EZEKIEL CORNELL.

GOV. GREENE TO MESSRS. CORNELL AND VARNUM.

WARWICK, Jan. 5th, 1781.

GENTLEMEN: — I received Mr. Cornell's letter of the 10th of last month, by which he mentions his not having received a line from me since the 31st of last October. What has prevented my letters coming to hand I cannot say, as I wrote to him the 1st and 22d November, and have since written to you on the 7th of December.

Mr. Cornell wrote to me in a former letter, and repeats it in this, requesting that an exact account of the moneys lent by this State to Col. Bowen, late Deputy Quartermaster General, may be sent to the delegate of this State, in order that he may apply to Congress for an order on the Loan Office for the four-tenths of the new emission, which is now about to be issued to redeem the former emission. I am particular in this respect, that Mr. Varnum may be informed of Mr. Cornell's plan to procure a grant from Congress in favor of this State, as being the only means he has been able to devise, to replace the moneys. Should he have left Philadelphia, I now enclose you the amount of the moneys lent Mr. Bowen, as also that lent to Benjamin Bourn, the present Deputy Quartermaster General for this department, and likewise the sum lent to Mr. Lovet, in consequence of the late alarm, who is appointed Quartermaster of the militia of this State.

You will please to observe that a very considerable part of this money, more especially that lent to Col. Bowen, was delivered at periods, when the money was much better than it now is; and, in justice, the State ought to be paid accordingly, which I make no doubt you will notice.

I have nothing of news to inform you of in this letter.

I am, gentlemen, with respect and esteem, yours, &c.,

WILLIAM GREENE.

JAMES M. VARNUM TO GOV. GREENE.

PHILADELPHIA, 8th January, 1781.

SIR: — Were I to give you my sentiments at large upon the politics and situation of the United States, it would lead me into a labyrinth of declarations, too tedious for my present leisure and too complicated for your amusement. Without entering, therefore, into the infinity of circumstances which at present form the embarrassments of our system, it will be sufficient to observe that the want of money and credit involves Congress in perplexities which cannot be fully removed, till the operations of new plans, shall be equally felt throughout the Union. The want of a fixed consideration, frustrates almost every measure, and the dull inergetic mode of procedure, resulting from the long habits of insipid formality, render our efforts too feeble and dilatory to effect the great objects. Party intrigues have some share in our councils, but they are far from influencing, in matters of great utility. Whenever they are attempted, they appear rather under the garb of expiring struggles than in the expectation of success. The army have been without pay for a long time, which added to some other causes, produced on the 1st instant, a general mutiny in the Pennsylvania line. Two officers were killed and two wounded. About six privates were slain, and the insurrection is not yet quelled. Sir Henry Clinton sent an embassy

among the malcontents, with mighty promises of money, protection, &c. &c., but the lads, so far from being dissatisfied with the American cause, received his offers with indignation, and sent the spy with his conductors and a copy of his proposals to Gen. Wayne. The President of this state is with them, and a committee from Congress in the vicinity. The militia of Jersey are in the field, and I trust the matter will be terminated happily in a short time. We have accounts this day that Arnold, with about sixteen hundred men, is in Chesapeake Bay, and that the inhabitants of Georgia have returned to their allegiance by opposing the British government under Gen. Wright. We have been very successful to the southward under Gen. Sumpter and others, but our situation in that quarter is far from promising much to our advantage. This winter is big with serious events. Our resources are great, but we must exercise much wisdom and resolution to manage them with propriety. Gen. Cornell is elected into the Board of War, and therefore, will not return this winter. Your tickets, &c., are safe.

I have the honor of being, Sir, with great respect,

Your Excellency's most obedient servant,

JAMES M. VARNUM.

JAMES M. VARNUM TO GOV. GREENE.

PHILADELPHIA, Jan. 29th, 1781.

SIR : — The state of Maryland has acceded to the Confederation, reserving to herself a common right on the wild lands. Virginia has ceded to the United States all the claim west of the Ohio, including nearly sixty millions of acres. These events will doubtless soon introduce the principles of the Confederation in their fullest extent. Should that be the law, no state can be represented in Congress by one member only, which will make it expedient for the State of Rhode Island to find another delegate, or reinvest Gen. Cornell with their authority to take a seat. To prevent misfortune, I shall take the liberty of inviting him to join me, should it become absolutely necessary, till the order of the State shall arrive.

The differences in the Pennsylvania line have been settled. Another mutiny has taken place in the Jersey line, but it has been quelled. The particulars I cannot fully ascertain.

I have received your Excellency's letter, enclosing the amount of moneys advanced to the Quartermaster; but this is but a small part of what is wanting. I have mentioned this subject in a former letter. Upon examination, I find all the accounts sent forward by Messrs. Howell and Greene, are mislaid or left in the Chamber of Accounts. This unlucky circumstance will make it indispensable to send duplicates. I hope the measures of Vir-

ginia and Maryland will add vigor to our exertions. For the public complexion is such at present that there is reason to apprehend every evil but that of conquest, which I cannot believe the Almighty will ever permit. Congress is very incessant upon the most important objects, which if fully adopted and firmly executed, I hope will reëstablish public credit, and give consistency and vigor to our future operations.

The weather is very mild ; we have had no snow or frost of any consequence since my arrival. The post riders are very uncertain in performing their tours, which induces me to prefer private conveyance.

I have the honor of being, with great respect,

Your Excellency's most obedient and very humble servant,

JAMES M. VARNUM.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, Jan. 29th, 1781.

DEAR SIR : — The mutiny which I mentioned in my last had taken place in the Pennsylvania line, is settled. The Clinton messengers were both hanged for spies, by order of a court martial, and the greater half of the mutineers are discharged, and the remainder furloughed for two months, as well artillery as infantry, so that the whole line is disbanded at present. The Executive Council of the state are taking measures for recruiting their quota on the new establishment.

The New Jersey line took the infection and it raged to a considerable degree ; but, upon proper remedies being applied, its career was stopped without much injury being done. By the latest accounts from Virginia, Arnold was in some part of that state, but had done little or no damage since he left Richmond. His transactions at that place you must know of before this, so that I need not tell you that he landed thirty-three miles from Richmond, the metropolis of the state, marched there, stayed as long as he pleased, retreated back again,—all this without the firing of a gun.

As for our southern affairs, I can say nothing more than is contained in the following passages of Gen. Greene's letter, dated the 29th ultimo, at Peedee :—

"Gen. Leslie arrived at Charleston, and is on his march to join Cornwallis, who has given orders to the commanding officers of his out-posts to join. I expect he will soon advance. I am not in a condition either to fight or retreat, but expect soon to be obliged to do both."

Congress has, for some time past, been busily employed in a Committee of the whole on the affairs of our finance. The subject of duty on imported articles has hitherto engrossed their chiefest attention. It is reported they are generally agreed to recommend to the several states that they pass laws

laying a duty of four per cent. on imported articles, some few excepted. Reducing the Commissioners at the several Boards, to a single member each, is much talked of in Congress. I believe it will take place. I hope it will be for the better. They are to be great ministers of state, and ought to be men of the first abilities in the nation, as much is expected from them.

Congress has resolved to appoint a Minister to reside near where Congress shall sit, to conduct their foreign affairs. He is to receive a salary of four thousand specie dollars per annum, exclusive of office rent, &c. &c. Robert R. Livingston and Arthur Lee are in nomination; both have admirers, but I am not certain either of them has sufficient in Congress to be appointed.

A resolution has passed the Assembly in Maryland, by majority of thirty-three to seven, empowering their delegates to confederate. It has not passed the Senate, but it is supposed it will without much difficulty.

Virginia has passed a law ceding all her territorial claim beyond the Ohio to the thirteen states, upon conditions the whole shall agree to and sign the Confederation, and allot the ceded lands into governments of a moderate size.

I shall conclude this with the extract of a letter from one of our Ministers abroad, dated October 14th, 1780 :

“ For however our countrymen may have flattered themselves with hopes of peace, there is nothing further from the thoughts of the king of England, his ministers, parliament and nation, for they are all his, than peace upon any terms that America can agree to. There is no future event more certain in my mind, than that they never will acknowledge American Independence, while they have a soldier in the United States. Nay, they would not do it even after their troops should be all driven from the Continent. I think I see very clearly that America must grow up in war. It is a painful prospect, to be sure. But when I consider that there is more people in America than there are in the United Provinces of the low countries, that the earth itself produces abundance in America, both for consumption and exportation, and that the United Provinces produce nothing but butter and cheese; and that the United Provinces have successfully maintained wars against the formidable monarchies of Spain, France and England, I cannot but persuade myself it is in the power of America to defend herself against all that England can do. The republic where I now am, has maintained an army of one hundred and twenty thousand men, beside a formidable navy. She maintains at this day, a standing army of thirty thousand, which the Prince is desirous of augmenting to fifty thousand, besides a considerable navy. All this in a profound peace. What causes, physical or moral, can prevent three millions of people in America from maintaining for the defence

of their altars and firesides, as many soldiers as the same number of people can maintain in Europe, merely for parade—I know not.”

I have the honor to be your Excellency's

Most obedient, humble servant,

EZEKIEL CORNELL.

N. B.—By letters just received from Virginia, it appears that three thousand militia are embarked, so that it is more than probable, that if Arnold don't leave the state, he will get a flogging.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, February 6th, 1781.

DEAR SIR:—In my last I mentioned a resolution had passed the Assembly of the state of Maryland, empowering their delegates to sign the Confederation. I have now the pleasure to inform you from undoubted authority, that the Senate have concurred; the law is complete, their delegates are on their way to Congress. Immediately after their arrival I expect to see the Confederation completed. We have not one word of news from the southern army since my last. By the last accounts from Virginia, Arnold had not left the state, but was at a place called Smithfield. Public business is much embarrassed. I shall say nothing on the affairs before Congress. Gen. Varnum is able to give you a much better account than I can. The change in the several Boards I mentioned, remains as it did; but every day seems to produce new evidence that the measures will shortly be adopted. There are many gentlemen talked of to fill these great offices of state. As to their abilities, there is a great division of sentiment. I hope they may hit upon the best—they will have a large field before them, but not to stand still in. Either honor or disgrace will attend whoever undertakes.

I have the honor to be your Excellency's

Most obedient humble servant,

EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, February 9th, 1781.

DEAR SIR:—I have the honor to enclose your Excellency two handbills that were published yesterday. The intelligence from the southward has carried much joy in this place. It came to hand very seasonably, as our affairs were gloomy. Maryland has passed a law directing their delegates to sign the Confederation. Mr. Carrol, one of their delegates, came into city last evening, and was so kind as to show me the act of Assembly. Mr. Hanson is expected every hour, when the Confederation will be completed.

Congress has this day fixed the salary of a Financier at six thousand, and a Minister of War and Minister of Marine at five thousand each. Monday is appointed for their election.

I have written by the two last posts. The express is waiting. I must conclude.

I am your humble servant,

EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, Feb. 19th, 1781.

DEAR SIR: — I had this day the honor of your favor of the 5th inst., and am happy to find my letters and enclosures have arrived safe. Capt. Paul Jones arrived in this city on Saturday last, from L'Orient, which place he left about the middle of December. He brought large packets of despatches for the President of Congress and the Minister of France. Little news hath yet transpired from them. By the public prints that came by Capt. Jones, it appears that Britain breathes vengeance against her revolted colonies. Congress has this day received a letter from Gov. Nash of North Carolina, announcing the arrival of Gen. Provost at Newbern, in that state, from England, with a number of troops. His strength or designs are not yet fully known. It is generally conjectured his troops amount to about two thousand five hundred, and that he will endeavor to form a junction with Cornwallis.

Congress has passed a number of spirited resolves, for reinforcing and supplying the southern army, among which there is one ordering the Pennsylvania line to march to the southward by detachments, as fast as they can be equipped. More than half their men are enlisted, and I expect they will soon be in motion. Robert Morris, Esq., was this day elected Financier by the unanimous voice of Congress. I think it is more than probable that Gen. Sullivan will be elected to the head of the War Office, in a few days,—I will not say unanimously.

It is much talked and believed in this place that the next summer will be a busy one. I hope every state will join, heart and hand, in their exertions against the common enemy, and that we may not deceive ourselves with the flattering hopes of peace before there is a better prospect than appears to me at present.

I fear you will think I dwell too much on the gloomy side of our affairs, but as I know you wish to hear the truth, I flatter myself you will pardon me. Could I have the honor of your company, I have many things to communicate that I will not commit to writing, lest this letter should meet the fate two others have done this year. Since I wrote relating to Mr.

Southwick's affairs, the Board of War have received returns from him of his receipts and issues, from the time of his appointment, to September, 1778. I hope he will soon complete and send them forward, to the present time. I am not a little surprised they had been so long delayed.

There is a report that two ships of the line have joined Arnold's fleet in Virginia. I fear it is true.

There is only one delegate in Congress from Maryland; therefore the Confederation is not yet complete.

You will excuse me from any further particulars at this time, and believe me to be, with every sentiment of esteem and respect,

Your Excellency's most obedient and most humble servant,

EZEKIEL CORNELL.

JAMES M. VARNUM 'TO GOV. GREENE.

PHILADELPHIA, Feb. 21st, 1781.

SIR;—Your Excellency's letter of the 6th inst. I have been honored with. When the requisition was made to the states to advance six months' pay to the troops, I foresaw the act which the legislature of Rhode Island has passed, and mentioned here its probable event, with the reasons that would justify it. But a discrimination could not be made with propriety, although I am fully persuaded Congress is well pleased with the measure.

It is astonishing to consider the energy of the small states, compared with the larger ones. If all the states had fully called forth their resources, as our State has done, the war must have been finished long since. However where everything dear and sacred is in question, too much cannot be done by any. We are certainly informed that a body of troops from Great Britain or Ireland, have landed at Cape Fear, North Carolina, said to amount to upwards of two thousand, under command of Gen. Provost. This event is convincing that the seat of war is transferred to the southward. Our total want of money renders every attempt to render the southward or any other department respectable or efficacious. But very little of the four-tenths is brought in,—none from our State.

We have good private intelligence that Lieut. Col. Lee, with his legion of a body of militia, has surprised Georgetown, South Carolina, and killed and taken nearly the whole garrison, being about three hundred. We are informed in the same way, that Lord Cornwallis made a large detachment after the defeat of Tarleton, with a view of retaking the prisoners, &c.; that Morgan, apprised of the design, sent off the prisoners and baggage, crossed a river and formed an ambuscade. The British, attempting to ford the stream, were unexpectedly embarrassed with a heavy fire, which killed many and caused the remainder to rejoin his Lordship.

I believe these facts, but as they are not official, cannot be too positive. Recruiting goes on very well here. Nothing is wanting but money to get as many soldiers as we please. Arnold is yet in Virginia, and braves the ancient dominion with about fifteen hundred men. I hope a detachment from Monsieur Destouches' squadron from France, will change the scene. Capt. Jones has arrived in the Ariel, and brings no important despatches; has twenty tons of powder, but no clothing. A strange inability seems to attend that article. I hope the censure will soon be rightly placed, and that vengeance may follow upon its heels. Inquiries of this kind are difficult, and where old members have their attachments and aversions fixed, either through cabal, party intrigue, or honest or mistaken bias, the obstacles are proportionably increased.

We expect a few days will undoubtedly produce a ratification of the act of Confederation: I must therefore repeat the necessity of two members.

Estimates are nearly finished of the debts of the United States, and as far as they can be precisely known, of the expenses necessary for the present year, and the ways and means appropriated to meet them.

I believe copies will very soon be sent to the respective states. However, Rhode Island shall not want for information in this respect.

I am, sir, with every sentiment of esteem,

Your Excellency's most obedient servant,

JAMES M. VARNUM.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, February 27th, 1781.

DEAR SIR:—I do myself the honor to write your Excellency at a moment that appears to me big with events. Gen. Greene writes on the 10th inst., from Guilford, in North Carolina, informing Congress that Cornwallis, since the burning of his wagons and baggage, in South Carolina, has continued his route by forced marches, at the rate of twenty-five miles a day, until he had reached the confines of Virginia, above the head of Roanoke river, where he was when the last intelligence came away, continuing his route towards Richmond. His force is between two and three thousand strong. What his object can be puzzles our ablest politicians. Gen. Greene further informs that he had called a council of war, in which it was unanimously agreed to put our army in motion and cross the Roanoke, without loss of time, about forty miles lower down the country than where Cornwallis had made his route. Gen. Greene's force was at that time, somewhat inferior to that of the enemy. Orders were given to Gov. Jefferson for all the militia in that part of the country, to turn out. Further intelligence is hourly expected and impatiently waited for. By the same express, Gov.

Jefferson informs that Arnold's fleet is blocked up at Portsmouth by some of the French squadron. I hope soon to be able to give you some further account of this matter. I cannot conclude this letter without observing that I flatter myself that these extraordinary movements will terminate much to our advantage.

I have the honor to be your Excellency's

Most obedient and very humble servant,

EZEKIEL CORNELL.

N. B.—It seems Cornwallis, upon hearing of Tarleton's defeat, by Morgan, was thrown into a sort of frenzy, immediately burnt all his wagons and baggage, mounted twelve hundred men on six hundred horses, and despatched them with all speed to intercept the prisoners that Gen. Morgan had taken, and followed with the remainder of his army. Gen. Davison, with about four hundred North Carolinans opposed their crossing a ford for one whole day, by which means the prisoners are got safe into Virginia.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, March 5th, 1781.

DEAR SIR:—When I did myself the honor to write your Excellency last, I flattered myself with being able before this time, to give you some interesting intelligence, as Cornwallis by hasty strides, had thrown himself into Virginia and we had just received intelligence of the arrival of a French sixty-four and two frigates in the Chesapeake, to which was added the arrival of the Marquis de Lafayette, with the light infantry from the main army, consisting of twelve hundred rank and file, and two companies of artillery, under command of Lieut. Colonel Stevens, who all left this place on Thursday last for the head of Elk, in high spirits, with a fine train of Artillery, as well for battering as for the field, intending down the bay to coöperate with our great and good allies against the infamous Arnold and his gang. But, alas! when our expectations are the most sanguine, we oftentimes meet with the greatest disappointments. The French naval force left the bay, (for good purposes,) and the expedition of course is laid aside for the present. But after all this misfortune, that you may not think I despair, I have taken the liberty to enclose the copy of a letter this day received in Congress from Gov. Jefferson, the contents of which gives the more pleasure, as I think Mr. Cornwallis will at least get himself in a situation where he will have time for reflection, and consider whether his conduct in burning his wagons and baggage, savors most of the wise man or the fool. The Confederation was completed last Thursday, at 12 o'clock, and at the same time was announced by the discharge of a number of cannon, both on the land

and on the Delaware. The bells in the city were rung; the President of Congress gave a general invitation to the members of Congress, the President of the State, his Council, and the House of Assembly, the civil and military officers of Congress, to wait upon him at his own house, at 2 o'clock, A. M., where they partook of a cold collation. In the afternoon Captain Jones fired a *fue de joie*, on board the Ariel. In the evening a number of fireworks were played off, and the whole concluded in the greatest harmony to the great satisfaction of every true friend of his country, and mortification of the infamous Tories, who have long plumed themselves with the vain hopes that our Union would soon crumble to pieces. Our State was not represented. It would have been agreeable to Congress that I should have resumed my seat until a delegate should have come forward, but the thought of any alteration in the Board of War during the next campaign is laid aside; it was thought most to the public advantage I should remain at the Board, which I have agreed to. I hope my conduct will be agreeable to the State, as I can assure you, I was not guided in my conduct so much by sinister views as the public good. It is probable Gen. Varnum will write you more fully on this subject, as he is fully acquainted with every circumstance. Congress has received nothing new from Europe since the arrival of Captain Jones, and nothing material has transpired that came by him. We impatiently wait the confirmation of the Count D'Estaing capturing a number of British men of war and transports, off the Western Islands.

Congress has some debates on the meaning and spirit of certain paragraphs of the Confederation. They have determined this day that no question shall be finally passed upon, unless agreed to by seven states at least.

I have the honor to be with every sentiment of respect and esteem,

Your Excellency's most obedient, humble servant,

EZEKIEL CORNELL.

JAMES M. VARNUM TO GOV. GREENE.

PHILADELPHIA, March 16th, 1781.

SIR:—Our latest accounts from Gen. Greene are in his despatches of the 28th ult. He was then at Guilford Court House, North Carolina. Lord Cornwallis has crossed a little river called the Haw. The two armies were within ten miles of each other. Greene expected a body of six to eight hundred mounted riflemen and Col. William Campbell, soon to join him from over the mountains, when he hoped to harass the enemy's rear. He was but illy assisted by the militia, and remained the inferior army. The people were much disaffected, having many of them joined Cornwallis. Our General had been successful at all times in the *petit guerre*. In one

instance, the enemy having killed and hung in quarters a trumpeter of Lieut. Col. Lee's corps, our cavalry made an immediate charge and sacrificed sixteen of the enemy's troopers. In a late attempt to surprise Tarleton, Gen. Marion of the militia, and Lieut. Col. Lee, came across a number of Hamilton's corps and North Carolina Tories, most of whom were cut up on the spot. This occasioned Tarleton's escape, who was alarmed by some of the militia firing. The enemy have ordered two regiments of negroes to be embodied in South Carolina, and are drafting many of the effective whites to serve during the "Rebellion."

Indeed, sir, we must reduce New York, or put on foot a very expensive campaign against the enemy in the southern states. Otherwise their numbers there will increase in geometrical proportion.

I send your Excellency all the Journals of Congress that have come officially. I wish, for the honor of my country, they contained some of those master strokes of policy that would adorn the history of mankind. But great bodies move slow, and the tediousness of their deliberations forms a sacrifice to be offered up at the shrine of freedom.

Congress has nearly finished its estimates for the present year, and the demands to be made upon the states, in addition to those already acquired. I hope they will soon be transmitted. A plan is also maturing to enable Congress to oblige the delinquent states to do their duty. This, as it will be additional to the Articles, must be first proposed to the states for their ratification. It is finished in a committee, and I hope will be approved by Congress. Should it, and the states acquiesce, the willing states will be greatly relieved.

I have the honor of being, sir, with perfect esteem,

Your Excellency's most obedient and very humble servant,

JAMES M. VARNUM.

JAMES M. VARNUM TO GOV. GREENE.

PHILADELPHIA, April 2d, 1781.

SIR: — It is a long time since I have been honored with any commands from your Excellency, which makes me impatient to know the result of my last application. Enclosed is an official account of a late action between Gen. Greene and Lord Cornwallis. Had the North Carolina militia behaved well, Gen. Greene's success must have been brilliant. We lost four pieces of artillery; the whole that were in the field.

The British fleet, on the 26th of March past, were in the Chesapeake, having been joined by a number of transports, supposed from New York, as Gen. Phillips command, consisting of about two thousand, had some time since embarked. Every circumstance indicates a vigorous campaign in the

southern states. We are not in the best situation to oppose the British efforts. The great departments are very deficient in supplies of every kind, and public credit will not answer as a substitute for money. There are two obstacles to that energy and vigor which are absolutely necessary in the United States. In the first place, the United States have not vested Congress, or any other body, with the power of calling out effectually the resources of each state. The Articles of Confederation give only the power of apportioning. Compliance in the respective states is generally slow, and in many instances does not take place. The consequence is disappointment, and may be fatal. In the second place, an extreme, though perhaps well-meant jealousy in many members of Congress, especially those of a long standing, seems to frustrate every attempt to introduce a more efficacious system.

Prudent caution against the abuse of power is very requisite for supporting the principles of Republican government; but when that caution is carried too far, the event may, and probably will, prove alarming.

We have experienced a recent instance of political diffidence. Mr. Robert Morris, of this city, has been chosen Financier. Previous to his final acceptance, he insisted upon the power of removing from office all persons entrusted with the expenditure of the public money, for abuse, fraud, &c., without being answerable, except to the party injured, in the courts of law. Without this authority, he despaired of introducing economy, so essentially important at this critical situation. A majority decided against the proposition. The consequence is, we are replunged into our old situation, so greeable to some gentlemen, and I fear shall not be able to effect a reformation in point of revenue and expenditure, which sometime since many of us hoped and firmly expected.

Sentiments of this gloomy cast may appear, Sir, to some, as the result of a fickle or envious disposition. But believe me, I should be silent upon such topics, if I was not apprehensive of the most serious consequences. My duty, or a mistaken idea of it, obliges me to hazard a conjecture, that the time is not far distant when the present American Congress will be dissolved, or laid aside as useless, unless a change of measures shall render their authority more respectable. Our time is consumed in testing executive business, while objects of the greatest magnitude are postponed, or rejected as subversive in their nature of democratical liberty. If political and civil liberty can be enjoyed amidst the din of arms, in their utmost Platonic extent, I confess my own ideas are perfectly wrong; but if the kind of government sufficiently energetic to obtain the objects of peace when free from invasion, is too feeble to raise and support armies, fight battles, and obtain complete victory, I know of but one eligible resort in the power of

the United States ; that is, to form a convention, not composed of members of Congress, especially those whose political sentiments have become interwoven with their habits for a long train of thinking in the same way. It should be the business of this convention to revise and reform the Articles of Confederation, to define the aggregate powers of the United States in Congress assembled, fix the executive departments, and ascertain their authorities. Many other matters subservient to the general idea would come before them, and their powers should be extensive in point of ratification. But the system to be by them adopted should expire at a given or limited time. This plan, if rational and necessary, must be recommended by the legislature of some one state, as the same policy which I have mentioned, will prevent a recommendation taking place in Congress. It would probably affect some gentlemen in a tender point, as having been in Congress more than three years, they might be deemed unqualified members, which offends them extremely, whenever hinted, although the Articles of Confederation are very clear upon that head. By all accounts the French squadron had greatly the advantage in the late action off Chesapeake, although the British were one hundred and thirty-eight guns superior number.

I have the honor of being with great respect,

Your Excellency's most obedient and humble servant,

JAMES M. VARNUM.

EZEKIEL CORNELL TO GOV. GREENE.

WAR OFFICE, April 17th, 1781.

DEAR SIR :— I was honored with your Excellency's letter of the 29th ult., by yesterday's post. Letters were yesterday received by express from Gen. Greene, dated Ramsay's Mills, on Deep river, in North Carolina, March 29th and 30th, 1781 ; informing that Cornwallis had secured his retreat, though with so much rapidity as to leave his dead unburied. At the same time I am by no means authorized to say that our affairs are flattering in that part of the country.

Gen. Phillips has landed in Virginia with considerable reinforcements. His numbers have not yet been ascertained. I fear our force that is opposed to them, is inadequate to stopping their progress into the country. Chesapeake Bay is full of British frigates, sloops of war, privateers, armed boats, and plundering parties, who are continually stealing and burning, and that with less damage and more success than was usual in New England.

I have many things I wish to communicate to you, but as the conveyance

by post hath not heretofore been so safe as I could wish, I shall write no more.

I have the honor to be, with sentiments of esteem and respect,
Your Excellency's most obedient, humble servant,
EZEKIEL CORNELL.

JAMES M. VARNUM TO GOV. GREENE.

PHILADELPHIA, 21st April, 1781.

SIR:—I have received your Excellency's letter notifying me that no delegate will come from the State till after the election. Gen. Cornell, who is absent by leave of Congress, visiting the military magazines, laboratories, &c., and causing some necessary reforms, will be able to give every necessary information respecting our situation. As my time for representing the State will soon expire, I apprehend my return home will be consequent thereupon, previous to which, a supply of money will be essential. Should the necessity of this request be doubted, it need only be observed, that the exchange between paper and silver is two hundred for one, and I suppose four weeks will produce something worse. I have been informed that a sentiment somewhat similar to this expressed in a former letter, and which was intended as a delicate suggestion of my wants, was obliterated, as tending to discourage. However, I must again repeat, that the State will be very great losers in sending paper money to Philadelphia.

I have the honor to be with great respect,
Your Excellency's most obedient servant,
JAMES M. VARNUM.

Congress continued its session at Philadelphia, during this year, Mr. Huntington remaining President. Congress was actually engaged in reducing its multiform business into system. The greatest embarrassment of the year was the continued deficiency of the treasury. A paper currency had been resorted to at an early period of the war. At the close of the year 1778, the amount emitted exceeded one hundred millions of dollars. In September, 1779, this amount had been increased to one hundred and sixty millions of dollars. Before the end of the year 1780, it exceeded three hundred millions. Its value depreciated in the ratio of the increase of the emissions. In March, 1780, the states were required to bring

in the bills which were then passing, at the rate of forty for one, to be cancelled, and new ones bearing interest were issued in lieu of them, on the credit of the individual states, guaranteed by the United States, for one-twentieth part of the nominal amount so brought in. The General Assembly of this State, in July, 1780, passed an act to carry the foregoing plan into effect. As, however, the old bills were not brought in, the new ones were not issued, and during the year 1780, the old ones became of so little value that they ceased to circulate. In May, 1781, the General Assembly of this State fixed a scale of depreciation for these bills, by which they were to be estimated April 1, 1780, at forty for one, gradually diminishing in value to May 30th, 1781, when they were rated at one hundred and sixty for one. Though the prospects of eventual success grew more certain as foreign nations acknowledged the Independence of the States, every department of the government was most seriously embarrassed by this deficiency of means. As has been seen in the letters which passed between the executive and the delegates of this State, even a portion of the army was driven to insubordination and open revolt by the want of pay, clothing and subsistence, which resulted from the utter inability of Congress to supply them.

As an effectual means of remedying this deficiency in the future, Congress, on the 3d of February, 1781, recommended to the states, to grant to it the right to levy and collect a five per cent. impost on all imported and prize goods, after May 1, 1781; the funds so raised to be used for the payment of the interest on the public debt. This right was to continue till the debt should be paid. It was pressed with almost the earnestness of despair. But it required, of course, the assent of all the states. Time was requisite to bring the matter before the state legislatures. It will be met in various modified forms in after years, until its final rejection gave birth to the present Constitution of the United States.

On the first day of March, 1781, the delegates of Maryland, in behalf of that state, signed the Articles of Confederation. The delay had arisen principally in the claim set up by Maryland to a share of the crown lands, which lay within the charter lines of several of the other states; the same that this State had set up. Some of these had been ceded to the United States before this date, which induced Maryland to sign "the Articles of Confederation," at this time. But the act was accompanied by a declaration on the part of Maryland, that she did not in any way relinquish her claim in all said lands. It was reasserted years after this in the Congress of the United States under the present Constitution, by both Maryland and Rhode Island.

From the first day of March, 1781, the Articles of Confederation became the paramount law of the states, of perpetual obligation, and not to be amended or changed in any of their provisions, except by the unanimous consent of the legislatures of the states. Under these Articles, the sessions of Congress commenced on the first Monday in November in each year. Each state had one vote in all questions, and maintained its own delegates, which could not exceed seven nor be less than two, in number. On the second day of March, Congress organized under the Article of Confederation. Mr. Samuel Huntington was elected President.

Ezekiel Cornell took his seat in Congress on the 5th of June, to share with the delegates from the other states, the responsibilities, and duties, and labors of their position. On the 21st of November, Congress "Resolved, that a member be elected for the Board of War." The member chosen was Mr. Cornell. That Board consisted of three Commissioners not members of Congress, and two that were. Mr. Cornell was of the last class, and still remained a member of Congress; but, on the 29th of December, Congress elected him a Commissioner of that Board, to act during the absence of

Col. Pickering, who was of the first class of the Commissioners. This, in effect, vacated his seat. On the 22d of April, he had leave of absence from the Board of War for six weeks, during which he was directed by Congress, as Commissioner, "To visit the military stores and laboratory to the Eastward, in the department of the Commissary of Military Stores, and to take measures for removing arms, ammunition and stores from them to the main army, or to the southward; and to correct abuses in said department, agreeably to the instructions he may receive from the Board of War for these purposes."

On the 19th of December, Mr. Varnum took his seat in Congress. At the October session of the General Assembly, he was directed to relieve Mr. Cornell, but it does not appear that he took his seat until a few days before Mr. Cornell vacated his by accepting the place of Commissioner in the Board of War. Several letters from Mr. Cornell to Gov. Greene, after he ceased to be a member of Congress, have already been given. The reader will find an apology for their insertion if he will read them over once more.

In March, 1781, Congress resolved to call on the states for one million five hundred thousand dollars quarterly, for public expenses and carrying on the war. Mr. Varnum was one of the committee appointed to apportion this among the states. He was also chairman of a committee of three appointed on the 7th of April, to whom was referred a report of the Board of Admiralty, embracing instructions to private armed vessels. He was also chairman of a committee of three, who reported, on the 14th of April, a resolution of thanks to Capt. John Paul Jones, "for the zeal, prudence and intrepidity with which he had supported the honor of the American flag" on the ocean. On his motion, "the Medical Committee" of Congress was discontinued after the 28th of May, and the papers and business transferred to the Board

of War. On the 10th of March, a committee of three of whom Mr. Varnum was one, reported a resolution of the thanks of Congress to Brigadier General Morgan, and the officers and men under his command, for their fortitude and good conduct displayed in the action at the Cowpens on the 17th of January, with a detachment of British troops under Lieut. Col. Tarleton, and the presentation of a gold medal to Gen. Morgan, and a silver medal to Lieut. Col. Howard ; which resolutions were adopted.

Mr. Varnum obtained leave of absence on the 2d day of March, but did not avail himself of it, remaining the sole delegate from this State in Congress, during the remainder of the term of his appointment.



CHAPTER VII.

1781 TO MAY, 1782.

WILLIAM ELLERY, Ezekiel Cornell, Daniel Mowry and James M. Varnum elected delegates at the General Election in May—Attendance—Correspondence between Delegates and the Executive—Sessions of Congress—Review of the labors and honors of the Delegates from Rhode Island.

At the general election in May, 1781, William Ellery, Ezekiel Cornell, Daniel Mowry and James M. Varnum, were elected delegates to Congress. At a second session of the General Assembly in the same month, Messrs. Mowry and Varnum were directed to proceed to Philadelphia, and there represent the State in Congress for six months, and give place to Messrs. Ellery and Cornell, for the remainder of the year. At the session in August, a committee that had been appointed to audit the account of Mr. Ellery, as delegate in Congress, in preceding years, from this State, made a report, from which it appears that he “served as delegate five hundred and three days, for which he is allowed thirty shillings, silver money, per day, agreeable to a vote of the Assembly, in full payment for all services and expenses of himself, servant and horse hire.” The report bears date August 25, 1781.

JAMES M. VARNUM TO GOV. GREENE.

PHILADELPHIA, 8th June, 1781.

SIR:—I have expected for some time since, the determination of the State respecting their delegation; but remaining uncertain, patience has



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JAMES M. VARNUM TO GOV. GREENE.

PHILADELPHIA, 8th June, 1781.

SIR:—I have expected for some time since, the determination of the State respecting their delegation; but remaining uncertain, patience has

taken the place of information, and personal credit removed some of the inconveniences of local situation. I wish it was in my power to give you a particular account of our affairs in the southern states; but we have no very late intelligence from the Carolinas. A report by a flag from Charleston, has just come to us, that Gen. Greene has gained very capital advantages over Lord Rawdon; but how extensive, time must determine. Our finances assume a more favorable aspect; and I hope will soon be productive of salutary events. The enemy are in great force in Virginia under Cornwallis, and the troops opposed to them very inferior in number. That state suffered much, and I am fully persuaded, will find relief only in the exertions of the eastern states. The present campaign is pregnant with the most important events; and it is in the power of the states to render it glorious for America.

The policy of this state [Pennsylvania,] has assumed a very respectable aspect within a few days; and I am persuaded will furnish supplies in a great measure proportionate to her resources. The money of her own emission, has risen from seven to four for one, and is still appreciating; while the money of other states is of very inferior credit. But as the whole emissions form a medium very adequate to the sums demanded in taxation, punctual payments will bring the whole to a respectable level, or evince the necessity of committing it to the flames, and relying wholly upon silver and gold.

The eastern mail, which should have come to us Monday last, has been intercepted on the west side of the Hudson, and carried into New York. Casualties of this kind, however disagreeable, are the natural consequence^d of defensive war, when the resisting army becomes too feeble to straighten the enemy's lines. I have wished, for a long time, that the post office was abolished, or at least suspended, as more injury results from it than benefit.

I have the honor of being, Sir, with great respect and esteem,

Your Excellency's most obedient and very humble servant,

JAMES M. VARNUM.

WILLIAM ELLERY TO GOV. GREENE.

PHILADELPHIA, June 9th, 1781.

SIR:—I had the honor of writing to your Excellency by the last post; but, as my letter may have been intercepted, I beg leave to repeat the substance of it, so far as I can bring it to my recollection, for it was written in haste in the Admiralty Office, and I had not time to copy it.

It mentioned that no credentials of my being elected a delegate had been received by me, from which I inferred that either Mr. Cornell or Mr. Mowry had set out for Congress, or that my credentials had gone to New

York with the last eastern mail, which is supposed to have been intercepted by the enemy. The first I concluded was the case, because I could not conceive that it would be inconvenient for Mr. Mowry to come forward, and presumed that it might suit Gen. Varnum to continue here until Gen. Cornell had finished his visit to his family, and returned to Philadelphia; and because I had been so long absent from home, and been so long confined to business, that the Assembly would imagine that not only my clothes, but my spirits would want repairs; and that my family affairs would require my return. Besides, I mentioned that I had, some time since, upon hearing that my name was in a prox, written to some of my friends that, let the election issue as it might, I must return home this summer; and supposed that they might have mentioned it in the Assembly. These reasons have led me to think that one or both of the gentlemen I have mentioned might be here soon, and that it was not expected that I should take a seat in Congress until the next fall or winter. Most certainly the General Assembly must know that I was not entitled to act as a delegate without a legal notification of my appointment.

I expect to return to the State in a short time, unless I should receive credentials, and a direction from the Assembly to take my seat in Congress. Such a direction I should obey, however inconvenient and disadvantageous it might be, for I hold it to be the duty of a public servant to comply with the injunctions of his masters, unless they should be illegal.

By a vessel which arrived here this day from Havana, we are advised that Pensacola is taken.

By a flag from Charleston, we are informed that Gen. Rawdon had evacuated Camden, and was arrived at Charleston, and that Col. Washington had taken fifty of his mounted Hessians. It is also reported that we had taken Ninety-Six, which is a strong post between Camden and Augusta, in Georgia, and equidistant from both. If this should be the case,—and it is probable,—the enemy have now no out posts in South Carolina. They are strong in Virginia. By this time, Gen. Wayne has joined the Marquis. It is said that a considerable body of militia have collected to them, and it is thought they will be able to check, if not repel the enemy.

I am, with great respect,

Your Excellency's most obedient servant,

WILLIAM ELLERY.

P. S. — My colleague in office this moment informs me that he has seen a letter from the Governor of Havana, which says that, on the 8th of May, the garrison of Pensacola surrendered prisoners of war.

WILLIAM ELLERY.

June 10th, 1781.

I am just informed that a prize to the Fair American has come up the river, and that she is one of the Cork fleet, which was bound to Virginia, and I suppose have arrived, as a large fleet was seen off Chesapeake last Wednesday. They left Britain the 28th or 30th of March, under convoy of a seventy-four and two frigates, and, at the same time, the grand fleet sailed for the relief of Gibraltar. The prize informs that there was a number of troops in the Cork fleet. From its going into Chesapeake, and from the body of forces the enemy have thrown into Virginia, I concluded that the war this campaign will be altogether to the southward.

WILLIAM ELLERY.

JAMES M. VARNUM TO GOV. GREENE.

PHILADELPHIA, July 2d, 1781.

SIR:—I enclose you the paper of this date. It contains an act of the legislature of this state, with the answer and engagements of the Superintendent of Finance. At first view, this transaction may appear a little odd to gentlemen unacquainted with the policy here. To prevent, therefore, any unfavorable impression, I have thought it my duty to observe, that large averages are due from this state in specific articles, particularly flour. The state has made large assessments and placed their revenue in the hands of Mr. Morris. By these means he will be able to anticipate their taxes as in the receipt of arrearages upon a credit which these funds will enable him to support. His personal credit here, as well as in Europe, is very extensive, and no other man could effect as much as Mr. Morris. We have already experienced the happy consequences of his appointment in a great retrenchment of expenses. He is now taking effectual measures for simplifying the various departments, and calling to account those who have basely wasted the public funds. In republics so delicately connected as those of the United States, reformation of abuses is difficult in the first instance, and must be extremely gradual when we consider the total derangement of our finances, bordering almost upon irretrievable ruin by the progressive operations of several years mistaken policy.

The evils have been so multiplied and the indemnities so certain in the estimation of public servants, that sporting with public property has become familiar, and the multiplication of dependents in every department has been so enormous, that the feelings as well as views of many individuals, will be greatly affected by the necessary alterations. Their resentment will naturally be directed against those who have ventured to strike at the foundation of their unnecessary and destructive establishments. I have only to lament that in a public body consisting of many members, the transition

from inefficacious to efficient systems is begun with caution and perfected with delay. This arises partly from the constitution of deliberative bodies, and partly from that attachment to preëxisting opinions and measures, which have been long connected with habit ; from an attention to the latter source, I am led to apprehend, that some gentlemen who long have been in the councils of America, will feel themselves chagrined at the adoption of plans so repugnant to their inclination. This may induce them to reëmbbrace their favorite schemes with eagerness, and endeavor to prejudice the people against measures, the uninterrupted operation of which will unfortunately expose them, while it enhances the public good. We shall soon complete a total reduction of a great number of expensive boards. Order and economy will be introduced into the expenditures, by lessening the number of persons employed, and by establishing a fixed responsibility.

From these reforms alone, I can take upon me to affirm that the public will annually gain several millions of specie dollars—an important consideration, when we reflect what relief it will afford the people, already groaning under the burdens of enormous taxes. I must now take the liberty of subjoining, that from the knowledge, integrity and credit of the Financier, we may expect the most beneficial events from his administration ; but he must be supported by the state. Time will gradually unfold the propriety of this institution, and reëstablish respectability and importance in the American character.

We have not lately received any official accounts from Gen. Greene, but by information nearest to absolute certainty, he has reduced Ninety-Six and Augusta, and consequently possesses all the Carolinas and Georgia, excepting Charleston and Savannah. Lord Cornwallis is retiring towards the shore, and it is very probable the movements of his Excellency Gen. Washington have induced Sir Henry Clinton to think of recalling the whole or part of those troops. The Marquis Lafayette has a more numerous army than his Lordship ; and as a very respectable part of this army is composed of Continental troops and riflemen, the consequences of an action are not much to be dreaded. They were very near by the last intelligence, and it is probable something serious may take place. It is greatly fortunate that so much ardor and exertion now prevail in the eastern states, especially Rhode Island and Massachusetts. Vigorous operations this campaign are essential for the United States. Should the great Imperial Courts of Europe determine upon reëstablishing peace, the fate of America will be involved in their determination. The claims of the United States will doubtless appear before them upon the "*Ultima lex regum.*" To establish our independence with them, we must possess the country, with arms in our hands, able to defend it. Should Great Britain command the civil jurisdic-

tion in any of the states, I know not of any right that can be brought in competition with their claim, for other nations cannot look into the merits of our separation, but judge in chief from our actual situation. Should we, therefore, be in possession of internal government, and the British troops confined to posts, the merits of our claims will appear irresistible, and we shall happily preclude the necessity of continuing the war, when every friend to his country must wish for peace.

Gen. Cornell arrived yesterday and delivered your Excellency's letter to Congress, the contents of which will soon be acted upon. Congress is disposed to treat them with the most honorable regard.

I have not, as yet, heard from Mr. Mowry, neither have I obtained an official information from the State since last April.

The amazing depreciation of the paper currency, upon my arrival here, soon made it necessary to draw support from my family; but absolute necessity obliged me, some time since, to draw upon the General Treasurer of the State for two hundred and sixty-six dollars and two-thirds. The anticipation of that draft, by receiving the money here, gave me some relief, and I made the sum as small as possible, expecting that the State must have ordered me a more adequate supply. I addressed my letter of advice to Gov. Bowen, as he lives upon the spot. I hope the State will not continue long unrepresented. It is a very unfortunate situation. The unremitted attention that has been necessary during my residence here, to a multiplicity of perplexing business, would render a permission to return very agreeable; but the will of the State and a consciousness of preferring the public good to every other consideration, will make me happy in every possible situation.

I have the honor of being, with profound respect,

Your Excellency's very obedient and most humble servant,

JAMES M. VARNUM.

MESSRS. MOWRY AND VARNUM TO GOV. GREENE.

PHILADELPHIA, 24th July, 1781.

SIR:—On Tuesday last, Mr. Mowry arrived in Philadelphia, and has taken his seat in Congress accordingly. Congress has lately received by the way of France, a large number of intercepted letters from Lord George Germain, &c., to Sir Henry Clinton, &c., in which it appears that the British were in the full expectation of all the states southward and westward of the Hudson river being returned to their allegiance before this period. They expected that Gen. Washington would be confined to the eastern states, and that Sir Henry Clinton would be able to detach a considerable force to Nova Scotia, to enable Gen. Maclean to reduce the province of Maine, and form an establishment for the Tories at and near Penobscot. Under the circum-

stances they expected this campaign would finish the war and oblige America to supplicate for peace upon terms of submission. From this apprehension the Court of London has refused the mediation offered by the Court of Russia, for reëstablishing peace between Great Britain and Holland. By accounts from Virginia, we learn that Lord Cornwallis has divided his force; one part of which is going southward, one part to New York, and the remainder will form a post at Portsmouth. Gen. Greene has reduced Augusta, but raised the siege of Ninety-Six. We are informed that Admiral Digby has arrived at New York with five sail of the line, but are not certain.

The Court of Versailles is determined to effect a naval superiority in these seas, in course of the campaign, and appear extremely anxious for the safety of the United States.

We have the honor of being, Sir, with great esteem,

Your Excellency's most obedient and very humble servants,

DANIEL MOWRY,

JAMES M. VARNUM.

P. S.—It appears in one of Lord George Germain's letters, that Vermont was in the king's allegiance. I hope this is not true; but shows the necessity of terminating the disputes respecting that territory. Congress are now upon the subject; but what will be the result, we cannot ascertain.

MESSRS. VARNUM AND MOWRY TO GOV. GREENE.

PHILADELPHIA, Aug. 14th, 1781.

SIR:—The Superintendent of Finance has lately written circular letters to the states. Their contents have been approved by Congress. We are at a loss to conjecture the rumors which have induced the State of Rhode Island to delay complying with the requisition of Congress, respecting the five per cent. duty. This requisition was so essential to the adoption of a regular, frugal, and productive system of finance, that we cannot enter into the necessary details of a permanent revenue without realizing it. It must be obvious that, unless we can call forth the resources of the respective states equally, it will be impossible to execute any great objects while the states who do most will be the greatest sufferers. It is as obvious that, without a permanent revenue in the disposal of the United States, we can neither fulfil past engagements, nor obtain future credit. The resources of the country are not sufficient to carry on the war, without anticipating the revenues. This cannot be done without credit, nor this exist without funds. We have not a doubt but what matters will soon be put into such a train as to settle the public accounts on equitable principles. Measures are undertaken by Congress to enable the Financier to adopt such modes as will do

justice to all the states, and remove those unhappy consequences which result from a mutual jealousy. We must therefore beg liberty to urge the propriety of the measures, and a compliance with them.

The Congress have appointed a committee of five to confer with a committee to be appointed from the state of Vermont, and agree upon terms for admitting them into the Union. These gentlemen have arrived from Vermont, though, in consequence of powers granted by that state previous to the resolution of Congress.

Our latest advice from Gen. Greene gives matters a much more favorable complexion in the southern department than would have been expected. Lord Cornwall has taken post on York river in Yorktown and Gloucester, with most of his army.

We have the honor of being, Sir, with great respect,

Your Excellency's most obedient and very humble servants,

JAMES M. VARNUM.

DANIEL MOWRY.

MESSRS. MOWRY AND VARNUM TO GOV. GREENE.

PHILADELPHIA, Sept. 4th, 1781.

SIR :—Yesterday the American troops detached from the main army, marched from here on their way to Virginia. The French army is now here and will move to-morrow. The objects of these movements are immense, and should circumstances prove as favorable as we have reason to expect, the event will be glorious. The fleet under Count de Grasse is hourly expected. The British have sailed from the Hook with twenty-one sail of the line,—supposed for the Chesapeake. This makes us somewhat anxious for Count de Barras.

Col. Laurens has returned from France, and we have the satisfaction of informing your Excellency that his negotiations have been attended with a degree of success fully evincive of the sincerest attachments of his most Christian Majesty. The acts attained by this negotiation will greatly assist us in establishing our finances upon a respectable basis.

We are very desirous of knowing the resolution of the State relative to the duty upon imposts and prices. Had the states really adopted that measure, we should, before this time, have derived more than eight hundred thousand dollars specie. One cargo has arrived in this city, which would have paid upwards of seven thousand pounds this currency. When we assure you that not a farthing of money has been paid into the General Treasury from any of the states, excepting Pennsylvania,

for more than a year since, you will agree with us that permanent revenues are absolutely necessary.

We have the honor of being, with the greatest esteem,

Your Excellency's most obedient and very humble servants,

DANIEL MOWRY.

JAMES M. VARNUM.

MESSRS. MOWRY AND VARNUM TO GOV. GREENE.

PHILADELPHIA, 17th Sept., 1781.

SIR:—On Friday last, His Excellency General Washington joined the Marquis de Lafayette; and we are fully convinced that nothing but a miracle can rescue Lord Cornwallis and his army from our hands. By letters from Baltimore, we are informed that Admiral Greene lately made an attack upon the French fleet in the Chesapeake, and was repulsed. That the next day the Count de Grasse put to sea, leaving two seventy-fours and a frigate to block up the entrance of York river, and attack the British; that a severe conflict ensued in which the noble Count dispersed his antagonist's fleet; that he captured two seventy-fours and three frigates; and sent them into the Chesapeake, with seven of his own ships, and was pursuing the fugitives. This information is not official, but has every circumstance inducing credibility. Count de Barras had not joined by the last advices; but this event will place him beyond danger. Admiral Digby is hourly expected with a squadron from six to ten ships of the line; his arrival will make no difference. Sir Henry Clinton is on the west end of Long Island with four thousand troops ready for an expedition; Philadelphia is thought to be his object.

We shall want about eight hundred dollars to enable us to finish our accounts in Philadelphia and to return to Rhode Island in November. We are sensible the sum will appear large; but we cannot avoid it. We are governed by the strictest frugality, as our accounts will show when exhibited. But the necessary expenditures here are very great.

We have the honor of being with the greatest respect,

Your Excellency's most obedient and very humble servants,

DANIEL MOWRY,

JAMES M. VARNUM.

MESSRS. MOWRY AND VARNUM TO GOV. GREENE.

PHILADELPHIA, 2d October, 1781.

SIR:—The Commander-in-Chief expected to begin his serious operations on Tuesday last. Lord Cornwallis was well posted and fortified; in consequence of which, some time will be required in reducing him. The troops

of Sir Henry Clinton remain on Staten Island, and Admiral Digby's arrival with three ships of the line, does not make the British fleet so strong as it was before the late action with the Count de Grasse.

We have the honor of being with great esteem and regard,
Your Excellency's most obedient and very humble servants,
DANIEL MOWRY,
JAMES M. VARNUM.

MESSRS. MOWRY AND VARNUM TO GOV. GREENE.

PHILADELPHIA, October 16th, 1781.

Sir :—Gen. Greene fought the British on the 8th of last month. The action was general, and continued with obstinate bravery on both sides for the space of four hours. The enemy were superior in number, but finally gave way, and were totally routed. Their loss was about six hundred killed and wounded, besides five hundred prisoners; our loss was five hundred and fifty-four killed, wounded and missing. Gen. Washington began his fire upon Lord Cornwallis the evening of the first instant, previous to which Col. Tarlton made a sally on the Gloucester side with five hundred cavalry and infantry; the Duke de Lorraine, with his legion and company of militia, attacked him, drove him into his lines, having killed and wounded fifty odd; among the former was the commanding officer of infantry, and among the latter, Col. Tarlton. The Duke's loss was trifling. We expect the British fleet will make an attempt upon Count de Grasse, with five thousand land troops on board. The British fleet consists of twenty-five ships of the line including two frigates. We flatter ourselves with the most important events in our favor.

We have the honor of being, with the greatest esteem,
Your Excellency's most obedient and very humble servants,
JAMES M. VARNUM,
DANIEL MOWRY.

The contents of the following letter will account for its insertion.

GOV. GREENE TO ROBERT MORRIS, FINANCIER OF THE UNITED STATES.

PROVIDENCE, October, 1779.

SIR :—In my letter of — last, I informed you that I had laid your several favors of the 16th, 25th, and 27th of July last, before the General Assembly, who appointed a committee to examine into the several matters referred to therein, by whom I am enabled in some measure to give you that information which was requested; but as our accounts are not yet fully

completed, I cannot state them with that exact precision which will be necessary. But, from the following general account, you will easily perceive that this State hath, not only fully answered the expectations of Congress, but greatly exceeded her own abilities. Nevertheless, relying on the justice of Congress, the inhabitants have hitherto, with uncommon exertions, not only supplied their own quota of troops, clothing, &c., but have advanced to the United States such sums of money, which yet remain unpaid, that it is with the greatest difficulty imaginable that we are able to furnish the many pressing demands against us.

I shall not repeat the spirited and vigorous measures early adopted by this State against the common enemy. They are too well known, and are still unrelentingly pursued. The supplies furnished by this State were regularly charged to the United States, and the accounts from time to time sent forward to Congress, there being always a large balance in favor of this State.

In December, 1776, the enemy, with a very great naval and land armament, took possession of the capital and one-third part of this State, with the entire possession of all its harbors, at a time when no force but our State troops and militia were to oppose them; when our treasury was exhausted, and it was indispensably necessary to make resistance. Our militia was called on, and, with the assistance of our sister states, we were enabled to confine them to the islands and the sea coast. From the number of troops which were soon collected, it became necessary that money, or a substitute for it, should be had. It had been recommended by Congress that the respective states should not issue any more paper bills; but, from necessity, the Legislature of this State were obliged, in December, 1776, to pass an act for the General Treasurer to issue his notes to the amount of forty thousand pounds, payable within two years, with an interest of six per cent. per annum. The urgent occasions therefor soon drained the treasury of the whole amount, and not receiving any supplies of cash from Congress, the Legislature, in February, 1777, were again compelled to direct the General Treasurer to issue his notes to the amount of fifty thousand pounds, payable within five years, at an interest of four per cent. per annum. As the notes carried an interest, they were engrossed, and it being out of the power of the State to pay them, they now remain a debt against us, and the holders consider them of a value equal to gold and silver, at six shillings for a dollar.

As the army was in this State, and the several departments thereof required money, applications were made to the General Assembly and Council of War, who, being zealously devoted to exert every nerve in order to support and maintain a war so justly necessary, granted large sums of money, whereby the debt against the United States was greatly accumu-

lated. By an account stated and sent forward to Congress, in April, 1778, the balance in favor of this State amounted to £160,780, 6s. 4d., from which time until the 13th of May, 1780, we continued to supply the different departments of the army. By an account then stated and sent forward to Congress, a balance of £251,729 6s. 10½d. was due unto this State. In addition to this, we had regularly paid the taxes required by Congress, and have paid into the Continental treasury or Loan Office in this State the sum of 5,350,000 old Continental dollars, including the sum necessary to bring into circulation the whole amount of the new emission sent to this State, which amounted to \$130,000, of which Congress has received by drafts \$52,000, being the whole amount of their four-tenths parts. We have issued \$40,000, chiefly on Continental account, and there remains in our treasury \$30,000, which will not be put into circulation. The Legislature has made a tax for calling in \$20,000 thereof, to be paid into the General Treasury by the last of December next.

From the depreciated state of the Continental currency in the beginning of the year 1780, it was with the greatest difficulty our soldiers could be kept in the field. And Congress having recommended to the several states to make good the wages of the officers and soldiers in the Continental battalions, a committee was appointed by this State to adjust and settle the accounts of the officers and soldiers in the Rhode Island battalions, in the service of the United States, who, having carefully examined the same, reported a balance of £26,043, 8s. 2d. real money due unto them, which has been fully paid, and a further sum of upwards of £10,500 due unto the soldiers who enlisted for three years, &c., &c., yet remains unpaid.

The taxes assessed upon the inhabitants of this State, in solid coin, in order to pay off the balance due unto the officers and soldiers of the Continental army, and the raising of the specific supplies required by Congress, together with the filling up of the Continental battalions for the campaign of 1780, which could only be done by real money, had so drained the inhabitants of this State of their gold and silver, that it became necessary, in June, 1780, in order to raise the monthly supplies and other requisitions of Congress, for this State to adopt some other measures than taxation. The State being possessed of a quantity of land which the former proprietors had, by joining the enemy, forfeited, the same was confiscated to and for the use of this State. And in order to ease the inhabitants of the great burdens laid upon them, which they contributed cheerfully to the extent of their wealth, the Legislature passed an act for the emitting the sum of £20,000 lawful money, equal to gold and silver, at the rate of six shillings for a dollar, to be paid on or before the first of January, 1781, with an interest of five per cent. per annum, and funded the same upon the said confiscated

estates, and appointed a committee to dispose of the same estates for said bills, or gold and silver only, by which means we were capable of obtaining the monthly supplies as required by Congress. But that sum being soon exhausted from the many calls for money, it became soon after necessary for the General Assembly, in order to procure the salted provisions, &c., required by Congress, to direct the Commissary General of Purchases in this State to issue his certificates to the persons of whom he purchased, of the articles received, and the prices to be given; and which the General Assembly directed to be received in payment for other lands ordered to be sold, or to be paid in gold and silver by the first of January and the fourteenth of April, 1781,—by which means we have not only procured all the specific articles required by Congress, but have also been able to supply, upon urgent occasions, much more than our quota.

The filling up of the Continental battalions of this State, in order to take the field early in the spring of 1781, being of the utmost importance, the recruits were apportioned to the respective towns in this State, and a bounty of one hundred silver dollars, to be paid out of the general treasury, was offered to each recruit enlisting for three years. The difficulty of the recruiting service was such, for many reasons, that a recruit cost the towns from one hundred and fifty to two hundred real dollars, including the bounty given by the State, whereby the inhabitants are greatly distressed. And the scarcity of money is such, that it is with the greatest difficulty that taxes are now collected, owing entirely to inability to discharge them.

The amount of this State's account against the United States for expenditures in gold and silver only, amounts to upwards of £60,000, besides a large account in the new emission. We have furnished the Quartermaster, in order to transport stores, &c., with £1,620 new emission, and £1,268 16s. real money.

The accounts are completing to send forward to Congress, and I flatter myself they will be ready to go on with Mr. Ellery, our delegate. By these accounts you will at one view see that we have not only fully complied with the requisitions of Congress, but are greatly in advance, and I doubt not but we shall be relieved from our perplexed and distressed condition by Congress making up such a grant toward the balance due unto us, as will make us, at all times in future, exert ourselves upon pressing occasions, more than our real abilities will admit.

With respect to the impost of five per cent. recommended by Congress to be laid upon all imports and exports,—at present we are unable to determine upon the utility of that measure, as the revenue arising therefrom within this little State would not be worth collecting. We shall wait until

our sister states have adopted the same, and whatever is for the advantage of the Union we shall cheerfully accede to.

I shall, by Mr. Ellery, write you more fully upon the subject, and, in the interim, remain, &c.,

WILLIAM GREENE.

WILLIAM ELLERY TO GOV. GREENE.

PHILADELPHIA, Nov. 18th, 1781.

SIR:—This short letter will inform your Excellency of my arrival here on Friday last. Gen. Varnum and Mr. Mowry will make you and the General Assembly acquainted with the news and present state of politics; therefore, permit me, sir, to refer you to them. The naked condition of our treasury when I left the State, would have rendered any application for money fruitless, I therefore came off with the small sum which could be spared from my family, without asking a grant from the General Assembly. That small sum will soon be expended, and unless I am furnished with money from the State, I shall be in a miserable situation indeed.

Give me leave, through your Excellency, to entreat the General Assembly to order the general treasurer to transmit to me as soon as possible, two or three hundred dollars; and I would wish, at the same time, the General Assembly would empower me to draw on the General Treasurer for a sum not exceeding, including the sum which I have already desired may be immediately forwarded to me, eight hundred dollars. I have mentioned a certain sum, because I would not choose, if I thought the Assembly would grant it, a power to draw without limitation. I propose, if this liberty should be granted, to draw from time to time, small sums as I may want them, and I can find persons who will furnish me with money here to be paid by bills upon the General Treasurer. This mode of supply would save both time and risk, for there is some danger in sending money, and opportunities may not offer when the money may be ready and much wanted. Before I shall receive an answer to this letter, and be furnished with the power asked for, some considerable time will have run out, and I am sure my present cash will be exhausted, therefore, permit me, sir, to urge that the sum applied for may be forwarded immediately. If that sum cannot be furnished, direct one hundred and fifty dollars to be transmitted as soon as possible.

I am, with the highest sentiments of respect,

Your Excellency's most obedient servant,

WILLIAM ELLERY.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, Nov. 20th, 1781.

SIR:—I do myself the honor to inform your Excellency that I took my seat in Congress yesterday. I take the liberty to enclose to you the resolution I mentioned in my letter of the 17th instant—nothing new hath transpired since that day.

I have the honor to be your Excellency's

Most obedient and humble servant,

EZEKIEL CORNELL.

MESSRS. ELLERY AND CORNELL TO GOV. GREENE.

PHILADELPHIA, Dec. 6th, 1781.

SIR:—We do ourselves the honor to inform your Excellency that the Minister Plenipotentiary from the Court of France to these United States, has lately communicated to Congress through our Secretary for Foreign Affairs, that he had it in command from the Minister of France, to inform Congress that the King, his master, was highly pleased with the confidence Congress had placed in him, and that the king would pay the same attention to the interests of the United States, as to that of France; that Congress would have no reason to say that they had misplaced their trust; that if all was not obtained that the United States had reason to expect, it must be imputed to the unavoidable events of war; that from late success and present appearances, the king had no reason to expect he should be under the necessity of making any concessions, either on his own part, or that of the United States; that it is his most earnest wish that every possible measure should be taken and every exertion made by the United States to be ready for an early and spirited campaign. The reasons are given that make those measures the more necessary, but must at present be omitted.

Dr. Franklin, in a letter of a late date, informs Congress that there is every reason to expect the continuance of the friendship of our great, good and illustrious ally, the King of France and his Minister the Count de Vergennes. The Doctor speaks of this nobleman in as high terms as the English language will admit. He says that the King upon hearing of the capture of the transport, the Marquis Lafayette, was apprehensive that our troops would be distressed for want of clothing, and had given orders to replace all the clothing and other articles that were taken in that transport. The Doctor advises Congress of the absolute necessity of their making every exertion so as to be ready for an early and vigorous campaign; and among other reasons for urging these measures, he says, should Great Britain propose a treaty, much time will be spent in settling the preliminaries, before any progress can be made in negotiating; and should any remissness on our part give the enemy the opportunity of

striking some unhappy stroke during that period, it may be out of our power to retrieve the loss, and by that means frustrate any negotiations taking place, or at least, turn it greatly to our disadvantage. This is the tenor of the language from all our Ministers abroad, and all our intelligence across the water from every quarter so far corroborates as to leave no room to doubt the utility of the measure. We think it needless to say more on this subject. These are the facts, and you, sir, must be the best judge of the abilities of our constituents and the measures that can be adopted with the most probability of success.

A gentleman of character, in a letter from Madrid, of a late date, says he thinks nothing will be done by the Court of Spain, in setting on foot any negotiations until they know how the present campaign will end. He further adds, that little or nothing can be done in the reduction of Minorca, until the arrival of the intended reinforcements of French and Spanish troops from Spain, that they were not then embarked. What a pleasing reflection it is to view the glorious success of the combined arms of France and the United States, and to see that it has already given peace and safety to a very considerable district that had been long harrassed by the enemy, and that it tends still further, not only to humble the pride and power of Great Britain, but may in some considerable degree be the means of setting on foot a negotiation, that may terminate in establishing an honorable and lasting peace to the United States.

Congress has received a letter from the Governor of the State of New York, enclosing a number of resolutions of the Senate and Assembly of that state, declaring their right in and over the territory or tract of land heretofore called New Hampshire grants, the allegiance, that hath been from time to time paid by the people inhabiting those lands, to the said state. Also, protesting against the acts of Congress that declare the aforesaid territory to be an independent state, by the name of Vermont, and setting forth that the said acts are contrary to several articles of the Confederation, and further protesting against any measures that have been taken by Congress, or that they shall hereafter take to carry said acts into execution, and finally instructing their delegates in Congress to use every means in their power to prevent the same. Congress has not received a single line of intelligence from the state of Vermont since the passing the aforementioned acts.

An ordinance has lately passed Congress for regulating captors and captures on the high seas, and condemnation of the same; and among other things it is ordained, that all British property found within three leagues of any of the shores of the United States, except it be in French bottoms, or hath been previously captured and condemned, shall be liable to capture

and condemnation after the first day of March next. All acts and ordinances heretofore made in any wise touching captures is by said ordinance repealed, and this to take place immediately. You will please to excuse our not being more particular on this subject, as we expect the ordinance will be immediately transmitted to you by the Secretary of Congress.

It is with pleasure we can inform you, that the stock of clothing now on hand is a more ample supply for our army than we ever have been able to make before at any one time, since the commencement of the war. It is sufficient to completely clothe every soldier now in service, except blankets; of that article there is a deficiency, but such measures are taken as we flatter ourselves cannot fail of success. A committee has been appointed to confer with the Commander-in-Chief and Secretary of War, on the best measures for arranging and filling up the army, so as to make it respectable. The committee have reported that it is inexpedient to make any alterations, in the last arrangement that was made by Congress on the 3d and 21st of October, 1780, and that the several states be called upon to fill their regiments with recruits to serve for three years, or during the war. It appears probable, Congress will agree to the report of the committee, and that requisitions will be sent to the several states accordingly. If this should take place, we shall be happy to give you the earliest information. We apprehend you will be a little surprised at the deficiency that will appear to be in our regiment when Col. Olney's returns come to hand. The Colonel is arrived at the head of Elk with his regiment, after having experienced almost every kind of distress in a long passage by water from Yorktown. The regiment is very sickly; the small pox has got among the last recruits. In this case they are not alone, many from other regiments being down with it.

All the executive business under Congress is now in new hands, and we hope for the better, and have the happiness to think that not only much less money is misapplied, than has been at many former periods, but turned to much more advantage to the public. The established character of the Superintendent of Finance, his abilities, numerous correspondents in different parts of the world, and permanent property, give great advantages in the execution of the important trust he is honored with. The public debts that have accumulated previous to his coming into office were numerous and the public creditors exceeding clamorous. They now think that the debts of the longest standing should be first paid. It appears to be justice, but policy forbids the measure, when our very existence as a people call aloud that the wheels of the present moment be kept in motion. Our want of knowledge of the transaction of the business under the direction of the Secretary for Foreign Affairs, and the short time he as acted in this office will

we conceive, be a sufficient apology for our saying no more of him at present, than that he is a gentleman of propriety and abilities, and appears attentive to business.

The confidence that the Commander-in-Chief and the army in general has in the Secretary of War is such, that when we add his knowledge and experience as an officer, his integrity and attention to business, we cannot but flatter ourselves that the public will receive essential benefits from his appointment. In justice to all the aforementioned gentlemen, we must say, that they appear to endeavor, as much as possible, to curtail all useless expenses, and to appropriate the public money to the most advantage. But their success so much depends upon the exertion and assistance of the states, that they must fail in a great degree in any attempts they may make to retrieve and organize our public affairs, if they are not properly supported by the several legislatures in the execution of their great and important trusts.

Since writing the above, the report of the committee respecting the arrangements of the army, as mentioned in a preceding paragraph, has been agreed to in Congress without any alterations. The resolutions will be forwarded to you by the Secretary of Congress, by this, or next post. We beg leave to refer you to the enclosed newspapers, for the little public news there is at this time passing.

We have the honor to be with the highest respect,

Your Excellency's most obedient humble servants,

WILLIAM ELLERY,
EZEKIEL CORNELL.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, Dec. 10th, 1781.

DEAR SIR:—I have the pleasure to inform your Excellency, that the bearer of this carries the blank bills of Exchange and one hundred and thirty thousand dollars, to be emitted pursuant to the resolution of Congress of the 18th of March last, and to be delivered to the keeper of the Continental Loan Office, in the State of Rhode Island. I will not comment on the difficulty that hath attended this business.

Enclosed is a resolution of Congress appointing the Hon. Jonathan Arnold and Joseph Clark, Esq., or either of them, to be signers of the said new bills on the part of the United States. I hope it will be agreeable.

Col. Palfrey, late Paymaster General to the army, sails on Tuesday next, for France, to take upon himself the consulship in that kingdom agreeable to his appointment.

Congress has for a considerable time past, been principally employed in

foreign affairs, which are called secret. It appears by a Cork paper of the 6th of October last, that Hon. Henry Laurens was committed to the Tower of London on suspicion of high treason, by the high constable, in consequence of a warrant signed by Lords North, Stormont and Germain.

The want of money for public use, and the distress arising from that source, is beyond the power of my pen to describe, and the prospect of relief appears small.

Notwithstanding the Loan Offices are kept open, and certificates given for a silver dollar with interest until paid, upon the receipt of forty Continental dollars, yet so low is public credit, not one farthing is received in any of the middle states.

From which I think there is little prospect that our State can receive any relief on account of any former advancements of money for the use of the United States. You will please to pardon me for once more mentioning the necessity there is of sending to your delegate in Congress the exact amount of the moneys advanced to Col. Bowen, Quartermaster General, as it does not appear to me there is the least probability of obtaining that sum, in any other way than from the four-tenths of the new bills now to be issued by a warrant from Congress, on Mr. Clark, for that sum. If this should fail, I know not what funds you can have recourse to for payment. When I see you I shall be able to explain this matter more fully.

I have not received a word of intelligence from any person in the State since your's of the 31st of October, and Mr. Clark's of the 1st of November. Gen. Varnum has not yet arrived, neither have I received any intelligence that he is on his way, but suppose he cannot be far distant.

Since writing the above, I am informed by the President, that he has enclosed to you the appointment I mentioned in this letter, and one to each of the gentlemen appointed, which enclosure I now deliver with my own hands to the escort with this. He is now waiting.

I have the honor to be your Excellency's

Most obedient and very humble servant,

EZEKIEL CORNELL.

MESSRS. ELLERY AND CORNELL TO GOV. GREENE.

PHILADELPHIA, Dec. 18th, 1781.

SIR : — We do ourselves the honor to inform your Excellency that, since our last, Congress has received a letter from the Governor of the State of Vermont, enclosing a number of resolves of a grand committee of both Houses of Assembly, and acts or laws of said state ; declaring that the acts of Congress of August last, respecting said state, do not comport with the propositions made to Congress by their commissioners, in July last ; that

no member of the legislature shall, on any pretence whatever, give his vote for submitting the determination of their right of independence to any power on earth; that all disputes about territorial or boundary lines shall be settled by judicious, unprejudiced persons, to be mutually agreed upon and chosen by the parties concerned, and that the states interested shall pledge their faith to each other, to abide the determination of the Commissioners, appointed as aforesaid; that when all disputes are settled, according to the mode pointed out in the aforementioned resolve, and the states legally admitted into the Union, they will consider themselves bound by acts of Congress.

The Superintendent of Finance has presented to Congress, an ordinance for adjusting and settling the accounts of the United States with each individual state, &c. It has been read and is committed to a special committee. They now have it under consideration. We shall only mention some of the principal paragraphs:—

First, that a member from each state be chosen to meet in the city of Philadelphia, on the first Monday in May next, then and there to settle the proposition that each state shall pay, of all the expense that the United States hath been at, from the commencement of the war to the first day of January, 1782, except the moneys that have or may be funded before that time. Secondly, that there be a Commissioner for each state, to be nominated by the Superintendent of Finance, and approved of by the legislature of the state for which he is appointed, whose duty shall be to settle all accounts between such state and the United States, according to the orders he may receive from the Comptroller, &c. Thirdly, the act of the 18th of March, 1780, and all the preceding and succeeding resolutions for money and supplies, to be fully complied with by each state; and when it shall be found, upon settlement of the accounts, that any state has paid more than such state's proportion, in that case such state shall have a reduction in the next requisition, &c.

We flatter ourselves you will excuse us for not being more particular on this subject. The ordinance has not passed, and probably will undergo some alterations. We only wish to inform you of what is doing.

We have the honor to be your Excellency's

Most obedient humble servants,

WILLIAM ELLERY.

EZEKIEL CORNELL.

GOV. GREENE TO THE DELEGATES IN CONGRESS.

December 22d, 1781.

GENTLEMEN:—The late requisition of Congress for this State, to assess upon the inhabitants the sum of \$216,000, subject to the disposition of

Robert Morris, Esq., Financier General, has been received and laid before the General Assembly the week past.

The sum required was so large that it was unanimously concluded that it could not, by any ways or means, be raised in specie, and but a possibility that it could be supplied in the articles and produce of the country. The Assembly were pleased to appoint a committee upon the subject, in order that I might be the more fully informed respecting the real situation of this State, and to give you such information respecting our resources, as to enable you, gentlemen, to confer with Mr. Morris on this occasion, and to endeavor that the sum required might be raised in such articles of the produce of this State as can be furnished for the use of the army, at such stipulated prices as can be agreed on. I am fully sensible how extremely disagreeable the cries of poverty and distress are, and how necessary it is that punctual payments should be made by the several states when required by Congress, for the support of our army and the credit of the United States. And it is as indispensable that the true circumstances of the resources of the State should be known, in order that more should not be required than it is possible to attain.

As, gentlemen, your vocations have led you to reside chiefly in Philadelphia for some time past, you cannot conceive the great alterations in this State with respect to the abilities of the inhabitants to pay their taxes. As this State is small in extent, and heretofore the inhabitants chiefly depended upon navigation and mercantile employments, that resource being cut off, a great number of persons who formerly were in affluent circumstances are now reduced to indigence, their little savings being expended. The circulating cash hath been, in a great measure, collected and sent out of this State to pay our army when to the westward, and for other purposes, whereby the scarcity thereof hath become uncommonly great. The Quartermaster's Department here hath been solely supplied by money from this State, to send provisions, clothing, &c., forward to the grand army. And, as the money collected is expended without this State, and but a very little staple to bring it in again, you can easily account for our poverty.

This State affords some provisions and articles of clothing. Coarse woolens, blankets, stockings, shoes, and linen are manufactured here, and if the moneys collected from the inhabitants were to be expended among them, it would enable them, in some measure, to bear their burdens.

As we, from the earliest period of this contest, engaged with a full determination to exert every possible means to attain the desirable and sought for end, we still hold our integrity. I make no doubt, gentlemen, you will, in the most pressing terms, place our real situation before Mr. Morris, in such a light that he may notice the attention of this State and cause such articles

to be supplied by us as will be a means of retaining the small quantity of cash within it for a circulating medium.

The General Assembly will meet at Providence on the last Monday in January next, by which time you will send us an answer respecting this proposition.

I am, &c.

WILLIAM GREENE.

MESSRS. ELLERY AND CORNELL TO GOV. GREENE.

PHILADELPHIA, January 4th, 1782.

We have been honored with your Excellency letters of the 18th and 22d ult. Previous to the receipt of your letter of the 22d, we had received a letter from his honor the Deputy Governor, enclosing the resolutions of the General Assembly, directing us to confer with the Superintendent of Finance, on the subject matters therein contained. That no time might be lost, we communicated the contents to the Financier.

We observed that he was sensible of the force of the arguments contained in the resolutions, but he thought too much was asked for; that whatever he did in this case, must be general to all the states; and that it was his wish, to give them every assistance that was necessary, to enable them to comply with the requisitions of Congress, and that nothing that he could do for that purpose, consistent with the duties of his office, should be wanting. He was too much engaged to take up the business, so as to enable us to forward an answer by this post, but promises that as soon as he could attend, he would give us notice.

We are fully impressed with the force of your arguments respecting the inability of the inhabitants of the State, to pay their quota of the tax in specie, that is required by Congress for the present year; and shall enforce them at the conference with the Superintendent—and you may be assured that nothing that is in our power will be omitted, that shall appear necessary to obtain the request of the honorable General Assembly. As soon as the business is finished, we will give you the earliest information.

We have the honor to be,

Your Excellency's most obedient humble servants,

WILLIAM ELLERY,
EZEKIEL CORNELL.

MESSRS. ELLERY AND CORNELL TO GOV. GREENE.

PHILADELPHIA, January 8th, 1782.

SIR: — We do ourselves the honor to enclose your Excellency a letter we have received from the Hon. Robert Morris, Esq., Superintendent of Finance,

since we wrote you yesterday. We can say nothing more on this subject at present, than that we shall see Mr. Morris before he will write to you, and shall endeavor by every argument in our power to convince him of the necessity there is that he should speak to the State in terms that are clear and decided, and tell them what he will do in this business.

We have the honor to be, your Excellency's

Most obedient humble servants,

WILLIAM ELLERY,
EZEKIEL CORNELL.

ROBERT MORRIS TO DELEGATES.

OFFICE OF FINANCE, January 8th, 1782.

GENTLEMEN:—I have been honored with the communication of the letter from Gov. Greene, dated the 22d ult., and the resolution of the General Assembly of Rhode Island, passed in December session, and have considered the same with as much attention as the shortness of the time and my constant hurry of business could possibly permit. I must at present confine myself to a general assurance on the subject, that I am entirely disposed to consider the peculiar circumstances of every state in the Union, and to adapt all measures dependent on me, as much as possible, to those circumstances; always guarding against injury or injustice to the United States. You will be pleased to assure the government of your State of this disposition, and that I will, in consequence of the authority vested in me, appoint a receiver of the Continental taxes there, and give him such instructions from time to time as will tend to the ease and convenience of the people, and promote the expenditure of so much of the taxes amongst them, as I can do consistently with my duty.

I will do myself the honor to write the Governor fully on this subject by the next post, and therefore, desire to retain his letter and the resolution, until I have done so, when they shall be returned.

I have the honor to be, gentlemen,

Your most obedient, humble servant,

ROBERT MORRIS.

MESSRS. ELLERY AND CORNELL TO GOV. GREENE.

PHILADELPHIA, Feb. 20th, 1782.

SIR:—Nothing of importance has passed Congress since we last had the honor of addressing your Excellency. The affairs of Vermont; a plan for settling the accounts between the several states and the individuals thereof with the United States; an amendment of the ordinance concerning captures on water; instructions to Captains of private armed vessels; measures

for effectually bringing into port and securing sea prisoners, in order to exchange them for our unhappy fellow-citizens condemned to loathsome prison ships, and for their comfortable support and accommodation on shore ; a report for establishing a mint ; and a circular letter to the states, founded on communications from Europe, and a letter from the Superintendent of Finance, are upon the carpet. When Congress shall have decided thereon, your Excellency will be seasonably furnished with their decisions.

We take the earliest opportunity to transmit to your Excellency the speech of the British King, on which we take leave to make this single observation ; that although it is as temperate as might be expected, yet it appears that he is determined to prosecute the war.

We heartily congratulate with you on our allies having taken possession of the Island of St. Christopher's, and hoping that we shall soon have occasion to rejoice with you on their further success.

We are, with the highest sentiments of respect,

Your Excellency's most obedient servants,

WILLIAM ELLERY,
EZEKIEL CORNELL.

MESSRS. ELLERY AND CORNELL TO GOV. GREENE.

PHILADELPHIA, April 16th, 1782.

SIR :—We trust that our silence for some time past will be attributed not to a neglect of duty, but to its true cause—the want of something to communicate to government worthy of its notice. Our time since we wrote last, has been employed chiefly in attending to private petitions and applications, in defining more particularly the duties of the Secretary of Congress, of the Secretary of War, and of the Secretary for Foreign Affairs ; and in devising ways to reduce the numbers and salaries of staff officers.

Sensible of the burden under which their constituents labor, Congress is desirous to alleviate it by lessening as much as possible the expenses of the war ; and we expect, from the economical measures which have been and will be taken, a considerable reduction will be made.

The principal matters which hath lately come before us, is an act of the state of Vermont, complying with the resolutions of Congress of August last, and appointing delegates to represent them in that body. It, and other papers relative to Vermont were and stand committed. What the final result will be, we cannot undertake to say.

Some states will oppose their being admitted into the Federal Union, because it might affect the balance of power by throwing an additional weight into the eastern scale ; and because it might be a precedent for augmenting the number of the confederated states, already too large. They will be

agreeably embarrassed by the resolution of August last; but they will endeavor to avoid the principle strongly implied in that resolution, by opposing the former now compliance of the state of Vermont with the conditions on which that promise is founded, to their present compliance. The report of a committee on cessions of western lands to the United States, which is also a matter of importance, and which has long laid upon the table, is this day taken up, but we believe will not be speedily determined.

Yesterday Congress received a letter from Gen. Greene, dated at Pon-pon, March 11th, respecting the state of the army under his command. Nothing new has occurred. At the same time they received letters from Europe. One from Dr. Franklin, enclosing two letters from a gentleman in Holland, one of them dated Amsterdam, January 7th, in which he says: The rage of the English faction has increased with their ill successes in America; that the loan for five millions of guilders is filled, &c. In the other, dated the 17th of January, he mentions, that Mr. Adams had demanded a categorical answer to his propositions for entering into a treaty with the United Provinces, and that the deputies of the states had taken the same *ad referendum*. That the United Provinces will not make a truce with Great Britain, nor suspend their preparations for carrying on the war during the negotiations for a peace under the mediation of the Empress of Russia; nor will they make peace with Britain unless they can enjoy all the rights of free trade according to the former treaties, and the present armed neutrality.

A letter from Marquis de Lafayette, of the 2d of January, mentions that Dr. Franklin had made him his political aid-de-camp; that the King, his master, had great affection for us; and that he, (the Marquis,) would do every thing in his power to serve us.

Our Commissioners have met those appointed by the British for settling the terms of a cartel, but we know not how far they have proceeded in that business.

We have for some time past had under consideration, measures for relieving the distresses of our seamen in captivity, but have waited for the result of the conference, in order to come to a determination. We have only to add at present, that

We are with sentiments of the highest respect,

Your Excellency's most obedient servant,

WILLIAM ELLERY,
EZEKIEL CORNELL.

P. S.—I am told by one of the South Carolina delegates, that General Greene's lady arrived at head-quarters the 22d February.

MESSE^{RS}. ELLERY AND CORNELL TO GOV. GREENE.

PHILADELPHIA, May 7th, 1782.

SIR : — In the last letter which we had the honor to write to your Excellency, among other things we mentioned that a report on cessions of western territory to the United States, was made the order of the day, and that we hoped it would be postponed.

Since that time, the delegates of Virginia have, on the one hand, urged a decision on their cession with uncommon art and industry, while, on the other, the delegates of Rhode Island, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware and Maryland have, with equal diligence, endeavored to cause the whole report to be postponed; and, after much manœuvring, it was, yesterday, generally postponed.

Our views in promoting a postponement were, that the General Assembly might be made acquainted with this matter, and give the delegates of the State their instructions thereon. That the United States might have an opportunity of recommending to the state of Virginia and other states, which may have claims or pretensions of claims to western territory, to make unrestricted and unconditional cession thereof; and to check that rage for securing extensive possessions by sale and settlements, which hath seized Virginia and induced a conduct highly injurious to the interests of the United States.

With a proviso that should secure the claims of the other states, and that of the United States, to the proposed cession of New York, we believe that a majority would agree to accept that cession. But neither would your delegates, nor the delegates of the states before mentioned, accept the restricted cession of Virginia, or guarantee the tract of country claimed by them in their act of cession, unless they should be ordered to accept thereof by the legislatures of their respective states.

Besides that guaranty, the following conditions are annexed to their cession :—

That the state of Virginia be fully reimbursed her actual expenses in reducing the British posts of Kaskaskia and St. Vincent, the expenses of maintaining garrisons and supporting civil government there since the reduction of said ports; and, in general, all the charge she has incurred on account of the country, on the northwest side of the Ohio river, since the commencement of the war. That the French and Canadian inhabitants and other settlers on the Kaskaskia, St. Vincent, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and shall be protected, &c., by troops at the expense of the United States.

We are not informed of the amount of the expenses mentioned in these conditions, nor can we pronounce absolutely how far the proposed guaranty and a declaration that royal grants inconsistent, &c., are absolutely void, would affect the claims of other states and the rights of the United States in Congress assembled; nor can we tell how far eastward the western boundary of these states may be established by a peace.

This letter will be accompanied by a copy of the report of the Committee on the Cessions, &c. Copies of the Acts of the Cessions, &c., will be transmitted as soon as they can be made out.

The Minister of France hath lately, through the Secretary for Foreign Affairs, requested a public audience in order to deliver to the President a letter from his Royal Master to the United States in Congress assembled, announcing to them the birth of the Dauphin. The joy of Congress on this happy occasion will be manifested by a discharge of cannon, a display of fireworks, and by an elegant entertainment for the Minister of France.

The audience, exhibitions, and entertainment will be on Monday next. The Secretary for Foreign Affairs will make the proper communications to the respective states, and we are sure that the State of Rhode Island and Providence Plantations will not be backward in demonstrations of joy on this auspicious event.

Your Excellency will observe the motion of General Conway, &c. The British wish to treat with the United States separately from France, and with individual states separately, if they could, and would cajole us with ideas of pacification. We are confident that Congress will not recede an inch from the resolutions they solemnly entered into upon the proposals made by the last set of Commissioners;—that no one state will attend to any separate propositions that may be made to it;—and that our states would answer, if any such should be offered to it, as they did formerly to the propositions of Lord Howe.

Nor will, we trust, the exertions of the states be in the least degree relaxed by any resolutions of the British House of Commons, not to carry on an offensive war against America; but, on the contrary, we hope that we shall have such a respectable army in the field as, with the assistance we may receive from our generous ally, may enable us to operate not only offensively, but effectually against our enemies. Finding themselves incapable of subduing us by force, they are recurring to their old artifices. They are reporting through Europe that we are a weak and divided people, in order to influence the mediating, and other powers against us; and, to convince the world that this is the case, and to lull us asleep, they are coming again with the olive branch in their mouth. But it will not be forgot-

ten that, under the same peaceful, dove-like appearance, an insidious serpent has lurked ;—have lurked stratagems and death.

We ask pardon for having extended our observations so far on this piece of intelligence. Even a hint of this sort to a State so spirited, so sagacious and so guarded as that of Rhode Island, would require an apology.

Gen. Washington's Commissioners for a cartel have returned without effecting anything. Sir Henry Clinton's Commissioners were not empowered to settle a general cartel. Indeed, their powers were ostensible only. Every thing was referred to him by them. He refused to pay the balance due for subsisting their soldiers in our possession, and would not advance a farthing for the support of them. He was willing to give seamen for soldiers, or a trifling sum of money for each soldier.

Our Commissioners were instructed by the General to insist upon better accommodations for our sea prisoners. Admiral Digby's powers to their Commissioners were much short of expectation. He was willing to exchange seamen for soldiers, and this was all, he said, that wanted regulation.

The report on the affair of Vermont is untouched, and will not be stirred until it shall appear that some advantage will result from agitating it.

Yesterday, Congress received letters from Mr. Carmichael, of the 18th and 27th of February, confirming the news of the reduction of Minorca. The garrison capitulated in twenty days after the trenches were opened. The fortifications are to be levelled and the port obstructed, so as not to admit large vessels, and the troops employed against Mahon are to be employed against Gibraltar, the siege of which will be pushed, as the taking of it is a favorite object of his Catholic Majesty.

We have communicated every thing of any moment that we could bring to our recollection, and are, with sentiments of great respect,

Your Excellency's most obedient servants,

WILLIAM ELLERY.

EZEKIEL CORNELL.

Congress, during this year, also held their session in Philadelphia. Samuel Huntington occupied the chair, as President. Ill health compelled him to resign the office on the 6th of July, 1781, and Samuel Johnson, a delegate from North Carolina, was appointed his successor. Mr. Johnson declined the office, and Thomas McKean, of Delaware, was appointed in his stead. When the new Congress was organized, on the first Monday in November, 1781, they elected

John Hanson, of Maryland, for their President. He being unable from sickness to attend to the duties of the office, Daniel Carroll, of Maryland, was chosen chairman of Congress, during the continuance of the sickness of the President.

Mr. Varnum was present in Congress at the commencement of his term of office, under his election in May, 1781. Mr. Mowry took his seat in Congress on the 20th of July following. They continued the only delegates present until November 19th, when they were relieved by Mr. Ellery and Mr. Cornell, who had ceased to be disqualified to act as members by reason of their appointments, the one in the Board of Admiralty, and the other in the Board of War. The board first named was dissolved by Congress in August, and the duties devolved on the "Agent of the Marine." The Board of War was also abolished during the year, and the business of that department entrusted to a "Secretary of War." Messrs. Ellery and Cornell remained in Congress until the expiration of their term of office, in May, 1782.

From the Journals of Congress it appears that Mr. Varnum served on many committees while he was present. Many of them related to private individuals and their claims, and are therefore not here referred to. In regard to others, apparently of a public nature, the notice of them in the journals is so brief that most of them are here omitted.

On the 21st of August, on the report of a committee of which he was chairman, "the Commander-in-Chief was authorized to go into a full exchange of Lieut. General Burgoyne and all the remaining officers of the convention of Saratoga." On his motion on the 23d of August, the President was requested to urge the states, by a circular letter, to send full representations to Congress. On the 29th of the same month the case of Col. Haynes and the ill treatment that he received from the British commandant at Charleston, was referred to a committee of three, of which he was one. On

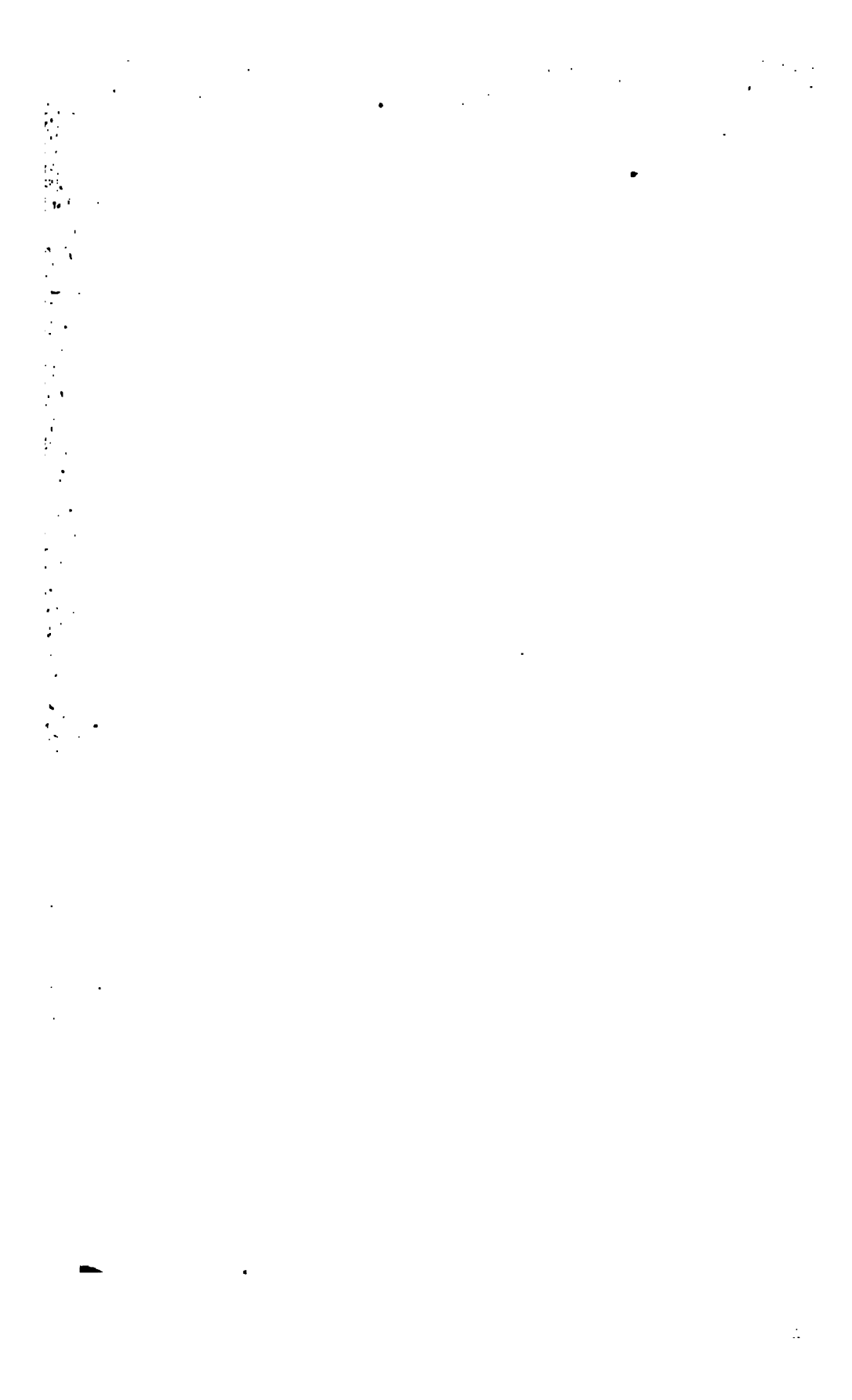
the same day, on the report of a committee of which he was a member, Congress resolved to appoint an Agent of the Marine in place of the Board of Admiralty, with like powers. The letter of Gen. Washington communicating intelligence of the surrender of Earl Cornwallis and the garrison at York and Gloucester, was on the 24th of October, referred to a committee of three, of whom Mr. Varnum was one, to report "what in their opinion will be the most proper mode of communicating the thanks of the United States in Congress assembled, to General Washington, Count de Rochambeau, and Count de Grasse, for their effectual exertions in accomplishing this illustrious work; and of paying respect to the merit of Lieut. Col. Tilghman, aid-de-camp to Gen. Washington and the bearer of his despatches announcing this happy event." This committee reported by resolutions, which were adopted Oct. 29th. He was also chairman of a committee of three, who on the same day reported a series of resolutions of thanks to Major General Greene and the men under his command, for their gallant conduct in the action near Eutaw Springs. He was also one of the committee on the letter of Gen. Greene, of the first of September, enclosing his proceedings to negotiate a treaty with the Cherokee and Chickasaw Indians.

A committee of which Mr. Cornell was a member, on the 10th of December, reported the number of men to be raised by each state for the year ensuing. The arrangement of the medical department, referred to a committee of three, of whom one was Mr. Cornell, reported by resolutions, which were adopted on the 5th of January. On the 10th of January, a committee of which he was chairman, reported a plan for conducting the inspector's department, which was also adopted. He was generally a member of committees raised on matters relating to the army, or to the department of the Secretary at War, then recently established. His connection

with the Board of War fitted him particularly for such business. The services of Mr. Ellery were generally called for on committees relating to marine matters, whether of a public or private nature.

On the 21st of February a committee of which Mr. Cornell was a member, on the establishment of a mint, reported by resolution directing the Superintendent of Finance to report a plan for one. An officer to be styled "the Secretary of the United States of America for the department of foreign affairs," was reported by a committee, of which Mr. Ellery was chairman, to be established. His duties and powers are prescribed in the report which was adopted by Congress.

It would seem from the Journals of Congress that Mr. Ellery and Mr. Cornell were active and efficient members.



CHAPTER VIII.

1782 TO MAY, 1783.

JOHN COLLINS, Ezekiel Cornell, Jonathan Arnold, and David Howell elected Delegates at the General Election in May—Attendance—Instructions—Correspondence between Delegates and the Executive—Deficiencies of the Government in relation to Revenue—Views of General Varnum and Judge Howell—Correspondence continued—Rhode Island refuses to vest Congress, agreeably to the Recommendation of that body, with power to impose an Impost Duty of five per cent.—Letter from the Speaker of the House to Congress—Action of Congress thereon—Reports of Committees—Proceedings in relation to Judge Howell—Action of the General Assembly—State Rights—Correspondence continued—Sessions of Congress—Review of the Labors and Influence of the Delegates from Rhode Island.

At the General Election, 1782, John Collins, Ezekiel Cornell, Jonathan Arnold, and David Howell were elected delegates to Congress for the year commencing on the first Wednesday in May.

The Assembly, having taken no order as to the attendance of the delegates, the Governor of the State, it seems, with the advice of other officers, requested Mr. Howell to proceed to Philadelphia and represent the State in Congress, in the place of Mr. Ellery, whose term of office expired on the first Wednesday in May.

At the June session, the following resolutions were adopted:—

IT IS VOTED AND RESOLVED, That his Excellency the Governor be requested to write to the delegates of this State now in Congress, to use their utmost

influence in Congress to have some effectual measures adopted, for the speedy discharge of the certificates, which have been issued in behalf of the United States, by their quartermasters and commissaries, for services performed and articles supplied for the army of the United States. And also to provide effectually for the speedy calling in and sinking the bills of the old Continental emissions, which are yet outstanding.

IT IS VOTED AND RESOLVED, That his Excellency the Governor be and he is hereby requested to write to the State's delegates an answer to their letter, relative to the exclusive claims of some states to the vacant lands in the limits of the United States, and to inform them that this State conceives itself to be invested with a perfect and indisputable right, in common with her sister states, to the said lands.

AND IT IS FURTHER VOTED AND RESOLVED, That this State's delegates be and they hereby are instructed to use their influence in Congress for a proportionate division of the said lands accordingly.

That the Governor wrote as requested, though no copy can be found, may be inferred from the following letter from Messrs. Cornell and Howell :—

MESSRS. CORNELL AND HOWELL TO GOV. GREENE.

PHILADELPHIA, July 19th, 1782.

SIR :—We have been honored with your Excellency's letter of the — ult., and the enclosed resolutions of the honorable the General Assembly. You may be assured that proper attention will always be paid on our part, to any instructions, which that honorable body may think proper to honor us with, and particularly to those now received. We have a proper sense of the principle and justice on which they are founded, and are fully impressed with the importance of the objects that the State wish to obtain. Yet such is our embarrassed situation, that we dare not at present flatter you that we shall soon be able to obtain that justice, which is due to the State on account of the old money or back lands. The same time we take the liberty to assure you that we will endeavor to obtain those desirable objects by embracing every favorable moment.

It is now believed that the United Provinces of the Low Countries have acknowledged the independence of the United States, and received Mr. Adams in his official character of Ambassador. This intelligence depends altogether on the authenticity of the public newspapers. No official letters have been received from Europe of a later date than about the last of March or first of April. We have little doubt but that this glorious news is true and if so, is an event that cannot but be favorable to the United States.

notwithstanding we are informed from good authority that a Minister at the Hague, from a respectable northern power, used every means in his power with their high mightinesses, to prevent its taking place. We therefore, cannot undertake to say, what effect it may have in the different courts of Europe.

We are altogether at a loss to say what measures the court of Great Britain intend to pursue, having received no intelligence from Europe that is to be relied on since the ministry entered upon their administration, neither have we any reason to suppose that Sir Guy Carlton has received any instructions from them. It appears probable that this summer will be spent by them in fixing their plans. Whether they will be for war or peace is at present altogether uncertain. But in our opinion, let them adopt which they will, they will prosecute the one they do adopt, in earnest.

Congress has been employed for a long time in the common business that daily presents itself, without doing any thing that particularly deserves your notice. There are several committees that have business of consequence under consideration, on which it is probable they will soon report.

His Excellency the Commander-in-Chief has been a week in this city. His journey to this place was in consequence of a previous appointment to meet the Count de Rochambeau. Their meeting was according to the appointment. Several committees of Congress have had conferences with the General since he has been in this place on business of importance. And we have the pleasure to assure you that we have every reason to suppose that the most perfect harmony subsists between him and Congress at this time. His stay from the army will be short.

We beg you will excuse us on account of the bareness of this letter as well as for our fault of not acknowledging the receipt of yours at an earlier period. We waited in hopes of being able to communicate something worthy your notice.

We have the honor to be your Excellency's

Most obedient humble servants,

EZEKIEL CORNELL,
DAVID HOWELL.

It appears from the following resolution, passed by the Assembly at the June session, 1782, that some inquiry had been made in Congress relative to the boundaries of this State. It is in vain to conjecture what was the design of the inquiry. The reply was definite, in the terms of the following resolution :—

IT IS VOTED AND RESOLVED, That his Excellency the Governor be requested to inform the delegates of this State, that this General Assembly have duly considered the letter of the Secretary of Foreign Affairs for the United States, respecting this State's boundaries, and inform them that the claims of this State with respect to boundaries are confined to those which are particularly specified and described in its original charter, and that the delegates be requested to acquaint the Secretary of Foreign Affairs with this resolution, and furnish him with a copy of the charter referred to.

At a session of the General Assembly held in August, it was resolved that Mr. Collins be requested to proceed to Philadelphia on the 3d of December next, and take his seat and supply the place of Mr. Howell, and that Mr. Arnold be requested to relieve Mr. Cornell, who was desirous of visiting his family as soon as he conveniently could.

At the same session they fixed the pay of the delegates for the future, at the rate of four Spanish milled dollars per day for each and every day employed in said service ; the said allowance to be in full, including all expenses, " and that the allowance stipulated as aforesaid, commence on the 20th of June last."

The following instructions, prepared by a committee, were given to the delegates at the October session of the General Assembly, and directed to be transmitted to them without delay:—

That the delegates of this State be, and they are hereby instructed, to preserve and cultivate a good understanding with each other.

To pay a strict regard to the instructions, which, from time to time, may be given them from this General Assembly.

To contend earnestly for this State's proportion of vacant or back lands.

To press the redemption of the outstanding Continental bills of credit.

To adhere closely to the Articles of Confederation.

To exert themselves against half pay to retiring officers, or to officers who shall continue in service during the war.

To obtain a regulation of the weight and value of gold and silver coins, and to fix the standard of weights and measures throughout the United States.

Not to accept of any post or place of profit under Congress, or any servant of Congress, nor receive any emolument from any such office held by another until six months after they shall have resigned their office as delegate, and the same shall have been accepted by the General Assembly of this State, or they shall have been, for that time, discharged therefrom by their constituents; and that they use their influence to get a resolution passed, that none of their members shall have a like office until six months after they cease to be members.

To vindicate and support, with a becoming firmness, on all occasions, such of the acts of the General Assembly of this State as respect the United States at large, and to use their utmost exertions to prevent any infringement being made on the sovereignty and independence thereof.

The instructions were drawn up by John Brown, representative from Providence, William Ellery, from Newport, and John Dexter, from Cumberland. What gave rise to them is left to conjecture. The last clause brings forcibly to mind the instructions given to the delegates in May, 1776, on the same subject.

EZEKIEL CORNELL TO GOV. GREENE.

PHILADELPHIA, July 31, 1782.

SIR:—I need not mention to your Excellency, the length of time I have been absent from my family, neither do I conceive it necessary to use any arguments to urge the honorable the General Assembly to give directions that I be speedily relieved. The frequent indulgences that I have received from them make it unnecessary. I therefore, wait, in full confidence that that honorable body will cheerfully give me the indulgence asked for, by ordering me relieved as soon as justice and policy will permit. Patiently looking for your answer,

I have the honor to be your Excellency's

Most obedient humble servant,

EZEKIEL CORNELL.

It had become evident before the Articles of Confederation had been adopted by all the states, that when adopted they would not vest in Congress sufficient powers to carry on the government successfully. Gen. Varnum in a letter to Gov. Greene, under date of April 2, 1781, seemed fully impressed

with the necessity of calling a General Convention, "to revise and reform their Articles of Confederation, to define the aggregate powers of the United States in Congress assembled, fix the Executive departments and ascertain their authority." Their deficiency in relation to revenue had become fully developed in 1782. The purse strings were in the hands of the several sovereign states that composed the Union. Congress had no means of raising money, except the issuing of baseless bills of credit, and requisitions on those states, and foreign and domestic loans. The depreciation in value of bills of credit, kept pace with the amount issued, and had increased so much that they were almost withdrawn from circulation. Some of the states were negligent and others unable to pay the requisitions made on them. Loans could not be readily effected on terms, or for amounts necessary to meet the emergencies occurring. Each state had equal right with Congress to issue bills of credit, and many resorted to it as a supply of their pressing necessity for a circulating medium. So each state levied such duties as it pleased on foreign imports and prize goods, controlled only by its own interests. The consequence was, a difference in the amount of duties in different states, and uncertainty in all, as the tariff of duties in each could be changed to secure advantages which might appear endangered from the legislation of adjoining states.

As a remedy for these evils, Congress on the 3d of February, 1781, proposed that the states should invest them with power to levy and collect a five per cent. impost on all foreign and prize goods imported into any of the United States. The main and primary object proposed in asking for this grant, was to enable Congress to pay the interest and principal on the Continental debt, both domestic and foreign. The unanimous consent of all the states was requisite to perfect the grant, and Congress caused the proposition to be

forwarded to the states to be laid before their legislatures for that purpose.

It does not appear to have attracted much attention in this State until about the commencement of the year 1782. Robert Morris, Financier of Congress, referred to it in a letter to Gov. Greene, in the summer or fall of 1781, which drew from the Governor the following reply: "With respect to the impost of five per cent. recommended by Congress to be laid upon all imports and exports, at present we are unable to determine upon the utility of that measure. As the revenue arising therefrom in this State, would not be worth collecting, we shall wait until our sister states have adopted the same, and whatever is of advantage to the Union, we shall cheerfully accede to."

During the spring and summer of 1782, it became a matter of discussion both in and out of the Assembly, as some of the states had made the grant. It probably led to the instructions given to the delegates by the Assembly in August, if it did not influence their election in the spring. The following letter from Mr. Howell to the Governor, expresses his views and the results of the action of other states on the subject:

DAVID HOWELL TO GOV. GREENE.

PHILADELPHIA, 30th July, 1782.

SIR:—It being impracticable for a new member of Congress soon to comprehend our great national concerns, and the views and purposes of principal men in the various departments, and especially the complicated system of European policy, you will not expect such profitable communications from me, at present, as are to be expected from my colleague, who has every advantage to be derived from experience in military and political life. I shall, however, neglect no opportunity of transmitting every intelligence from time to time which may be in my power, and which may affect the interests of my constituents.

Eleven states have transmitted copies of their acts vesting Congress with a power to levy and collect a duty of five per cent. on imports and prize

goods ; all of which acts are passed on the express condition that the measure shall be universally adopted throughout the United States, and some of them have other conditions annexed ; such as the following :

That after a term of years it shall be in the power of the state to substitute some other revenue equally productive, and which shall be approved of by Congress ; that no part of the revenue shall ever be appropriated to the discharge of half pay pensions ; that the state retain a right of appointing or suspending the train of revenue affairs, within its jurisdiction, &c. &c. Whereon I shall only observe, that a reluctance against the measure appears from the mode of compliance therewith in some instances.

A committee was lately appointed in Congress to enquire into the reasons why the other states had not complied with this recommendation, before whom, on notice and request, the delegates for the states of Georgia, and Rhode Island and Providence Plantations appeared, to give information. Having discovered, on my arrival in this city, that all the members of Congress, as well as the inhabitants, were universally in favor of the impost, and concluding that my single voice would be unavailing against the general current, I cautiously avoided entering unnecessarily into the discussion of the subject, but being called on this occasion to assign the reasons which induced a delay on the part of my constituents, a fair opportunity opened and I embraced it with pleasure, to lay before the committee the following representations :

That the maritime situation of our State peculiarly exposes us to the attacks of an enemy in a time of war. By a *coup de main*, an enemy may lay waste our seaport towns all around the Narragansett Bay, destroy our navigation, and plunder the whole treasure of our little State ; in which said catastrophe the value of the State would be reduced to that of a county in the neighboring states ; and yet we should have no claim in virtue of any compact or stipulation, on the Federal Union for a reimbursement. That in fact, this had partially taken place, our State having been invaded and plundered, our towns partially burnt and partly torn down, and our navigation reduced to a very low ebb ; so that, out of the ancient and once wealthy town of Newport, which, in the year 1774, sent to sea nearly one hundred and fifty sail, three only were at sea in March, 1782. Wherefore, if any substantial revenue could be derived from a duty on trade, this benefit ought in all right and justice, to belong solely and exclusively to the State, in compensation for losses already sustained, and as a security against still more fatal evils to be apprehended in all future wars. That this was the voice of nature, the voice of reason, and the voice of Confederation, the Constitution of the United States, which had in this particular, secured to us our birth-right, viz. : the whole entire emoluments of our own trade.

It was moreover represented, that in fact the measure in its present form, tended to raise a revenue within our State, and from the earnings of its inhabitants, to be carried to the general credit of the United States, in as much as not only, in the first instance, would the merchant be compelled to pay the duty at all events on importation, which it might or might not be in his power to superadd to the price of his merchandise, but admitting the duty to be superadded, and the revenue to be wholly drawn out of the consumer, in respect to individuals, and the second, a no less obvious inequality, in respect to the several states; and that our State would feel this grievance more sensibly than any other state in the Union, as consisting more of merchants, manufacturers and tradesmen, who are chiefly subsisted on imported goods, and consuming a greater proportion of dutied articles, would pay an unequal part of a revenue to be appropriated to the common benefit of the Union. Another consequence would be, the rise of the prices of such articles of country produce as may be substituted in lieu of imported articles, which would, no doubt, continue to bear nearly their usual proportion to each other, and being drawn from our neighboring state, although by an inland communication, they would thus in fact, come charged with five per cent. duty, which would be pernicious to our interests, and increasingly so in all future time. And moreover, that inland duties imposed at the pleasure of our neighbors, on specific articles in addition to their prices thus unnaturally raised, (which by the way, the Confederation authorized them to impose,) and temporary embargo, the effects of which we had sorely felt during the State bill, might lay us wholly at their mercy and precipitate our ruin; while on the contrary, should trade remain unfettered with duties and free to all the world, while our ports remained open, supplies might be drawn from any part of the world, whereby we might be enabled to treat with our neighbors, however extensive their territory, or however overbearing their temporary insolence, upon terms of equality.

It was further represented, that it derogated from the sovereignty and independence of the state for the United States, to draw a revenue for their benefit out of our State, and to collect it by their officers. For that all moneys raised in a sovereign state ought to pass to the credit of that sovereignty exclusively, and all civil officers acting in a sovereign state, ought to be authorized by and accountable to that sovereignty; the contrary, being a solecism in politics, and in this case injurious to the State. That such was the state of mankind that the experience of ages evinced the extreme difficulty of collecting duties on trade; that this difficulty would be less should the duty proposed be laid on by the state for its own benefit and greater in the measure proposed. In the former case it would be the interest of every citizen to aid in the collecting, with a view of lightening his own tax thereby;

in the latter, he would not only promote his own particular interest by avoiding the duty in his own case, but the interest of his state in abetting others in the practice. Therefore, it was not probable that the measure proposed was practicable, at least so as to afford any considerable net produce, after deducting the vast expenses of the numerous officers necessary in the collecting and after management thereof. That the term of its duration was exceptional and precluded the state from the possibility of revoking their grant in any future period, should experience prove it ever so unprofitable and ruinous.

That Congress were not to be accountable for the amount or expenditure of this revenue, but on the contrary, it was to be absolutely at their disposal during a term of time which would be wholly in their power. That perhaps it might really be the interest of the United States never to discharge all the debts contracted, and to be contracted during the war, and if so, the duty, by the terms of the grant, was to remain to posterity.

That however safely this extraordinary uncontrollable and unaccountable power might be granted to the present Congress, a change of times and of men might bring forth abuses at present unthought of, and cause us to rue the fatal day when we so rashly divested ourselves and that irrevocably, of a power naturally inherent in the several states and guaranteed and served to us in Confederation. It was further represented, that the measure proposed in addition to all the evils aforesaid, had an unpromising effect upon the morals of the community at large, by multiplying oaths, by increasing temptations to perjury, both in affairs of the customs and in citizens, and by nourishing in idleness and luxury a numerous train of collectors, comptrollers searchers, tide-waiters, clerks, &c. &c., whereby the country would lose the benefit of their industry and incur the additional charge of their support, and that not to create a revenue, but only in order to throw taxation out of its present channel, and to bring the weight thereof upon particular sets or descriptions of men in the community to their great and lasting injury.

That it did not appear as yet, in what manner Congress would enforce the law proposed, whether prosecutions were to be commenced, and penalties were to be recoverable in the common courts of justice, or whether maritime courts were to be empowered to have cognizance thereof, and that the general plan for the execution of the law might affect the propriety of making the grant in question.

That I had lately received pointed instructions to make urgent application to Congress in behalf of my constituents for a participation in the vacant or back lands to which they claimed, for reasons the most substantial, a good right in common with their sister states. That Congress had

hitherto delayed to come to an ultimate decision hereon—and as some states pertinaciously persisted in claiming exclusive rights to said lands, it was not to be expected that our State would part with all the benefits of its maritime situation until some assurance could be obtained of a participation in common with other states in the back lands, which ought to be considered as a continental acquisition, and to be appropriated accordingly; but this was thrown out as a reason of the delay in question, only conjecturally, not being so assigned in the instructions referred to. After proposing the following alterations, viz. :

1st. That each state retain the power of choosing the officers of the revenue to be collected within its own jurisdiction;

2d. That the revenue arising from this duty be carried to the credit of each state wherein it shall be collected respectively, and deducted from their annual quota of continental requisitions;

I withdrew, not a little mortified at having been opposed, rather than seconded by my colleague. It ought also to be noted that on this occasion, the extraordinary exertions of our State during the whole contest, and on the opening of the present campaign in special, were mentioned and not contested, and added much weight to the foregoing representation in behalf of the State; and that the committee have not yet made their report, which no doubt will produce a renewed application to the State. For the same reasons which made it against our interest to make this grant, make it the interest of the whole Union to solicit it, which you may expect will be done with the most unremitting importunity.

After the part I have taken in this matter, which has been done with views the most disinterested, so far as I am personally concerned, my constituents will not expect any direct advice on the subject; and knowing that they possess integrity and abilities sufficient for the places they respectively fill, in all events I shall always endeavor to reconcile myself to their determinations and govern myself by their instructions, however contrary to my private opinion.

A grand committee for the support of public credit, has lately been appointed in Congress; and I shall endeavor, as one of that committee, to bring on a decision respecting the back lands. They would, undoubtedly, be a means in our hands of reviving public credit; they are of vast interest and value, beyond what is generally known or conjectured. A gentleman of no mean talents in finance, thinks well of this plan, and that in a course of time they would enable us to discharge a great part of our national debt. So much in regard to the instruction on that head, referred to in your Excellency's letter of 17th June last.

The Commissioners appointed by the resolve of the 20th of February last,

are to liquidate and put on the list of the funded debt, which is to draw interest, all the certificates issued on account of the continent in the several states. And it is proposed that in the settlement to be made by the said Commissioners, the states have credit for their taxes of all money actually collected and paid in, and be charged with their deficiencies; but this arrangement is not completed nor final, as it would affect individuals in possession of said bills, as I can yet discover.

The recommendation of Congress of February 20th last, for empowering them to settle several states' quotas of expenses incurred before January 1st, 1782, otherwise than by article 8th of the Confederation, has been formally rejected by an act of the Legislature of Virginia. Whether they fear that deviation would be made against their interest, or mean to procrastinate a settlement, I shall not undertake to determine.

Several reductions in public expenditures have taken place since I have had the honor of a seat in Congress. Economy is the present plan. The good work is begun and going on. Much I perceive can yet be done; and my exertions, such as they are, will not be wanting on this subject. Could prompt pay be made to the army, many reductions might take place with propriety and without inconvenience. Is not this an object worthy our attention?

By a resolve of the 28d October, 1780, the officers who shall continue in the service to the end of the war, shall be entitled to half pay during life, as well as those who are reduced by the resolve and permitted to retire, whereby the United States are loaded with half pay officers,—even during the war, and that which was intended as an antidote against depreciation, is continued even now when the army is paid in hard money; and having been originally intended as a motive to keep officers in the army, is now become a temptation for them to leave it.

And what is still more extraordinary, by another resolve, half pay is to be made in all cases in proportion to full pay, so that a Major General and Brigadier General draw their half pay instead of the half pay of a Colonel, against the universal custom in all European nations, where there are half pay establishments. A Major General and a Brigadier General lately applied to Congress for leave to retire on the half pay establishment, and obtained it, and officers of inferior grades in the line are daily retiring on half pay and others are advanced to take their places; whereby we have duplicates and triplicates of officers in some instances, and an enormous expense is incurred.

This, in my opinion, calls loudly on the legislatures of the states, either to provide funds in addition to the five per cent. (which will be insufficient,) or to instruct their delegates to discontinue the practice. I rather wish

for instructions on this head, as I am so unhappy as to differ from my worthy colleague on these points; though I do it with much diffidence and reluctance.

A report lies before Congress from the office of Finance recommending the five per cent., a land tax of one dollar per hundred acres, and a capitation tax. From this report Congress has taken and recommended only the five per cent. Query. Would either of the other two be eligible?

July 31st.

This day the Grand Committee referred to above, for reviving credit, reported the expediency of taking up the consideration of the cession made by New York, Connecticut and Virginia, so as ultimately to bring on a decision of Congress upon the subject of the vacant lands. A motion was made, and seconded by me, that next Wednesday be assigned for considering said report; the yeas and nays were called and the question was lost by our State being divided. And so nothing is likely to be done about that part of your Excellency's instructions.

Having already, as I fear, transgressed on your patience, I shall conclude this letter in congratulating your Excellency on the acknowledgment of our Independence by the Seven United Provinces of the Netherlands. This alliance, which we flatter ourselves, is by this time completely formed, is natural, and I cannot doubt, will prove mutually beneficial to the parties. Hoping to be excused for not having written before, as well as for having written so much now, I beg leave to assure your Excellency, that I am with every sentiment of esteem and deference,

Your Excellency's most obedient and most humble servant,

DAVID HOWELL.

P. S.—Please to excuse inaccuracies.

This letter is too long to transcribe; and Mr. Morris has this moment sent me a note, requesting the reasons, in writing, why our State has not complied with the recommendation for five per cent., as he is about to write to the State on that subject.

As presenting the other side of the question, the following letter from Robert Morris to Gov. Greene, is inserted:

OFFICE OF FINANCE, August 2d, 1782.

SIR:—I presume you have been, before this, informed that all the states except Rhode Island, have acceded to the Impost Law. A committee of Congress, lately appointed on this subject, did me the honor to request my

attendance, with that of your delegates, to hear the objections from them, and know from me the circumstances attending the requisition. After a long conversation, the committee were about to confer on a report, which, at my request, they were pleased to suspend, that I might have this last opportunity of praying your attention to the subject. And I was induced to make that request, as well for the avoiding of those disagreeable discussions which cannot exist between the Union and an individual state, without incurring pernicious consequences, as because it appeared to me that the reasons urged against passing the Impost are not so conclusive as some have thought them to be.

The Hon. Mr. Howell was so kind as to promise that he would state his objections in writing. This he has done, and a copy of them is enclosed. They are—

1st. That the Impost would draw a disproportionate supply from either the merchant or consumer.

2d. That Rhode Island imports and consumes more of foreign articles, (in proportion,) than any other state.

3d. That from her maritime situation she is exposed to great losses.

4th. That the exclusive benefit of the impost should be carried to account of the State.

5th. That the impost will raise prices, and therefore manufactures brought from the neighboring states will draw a revenue from Rhode Island.

6th. That the duties imposed by the neighboring states may compel Rhode Island to subsist by foreign articles.

7th. That many men will be employed in the collection.

8th. That it would be evaded by smuggling; and,

9th. That the collection may be objectionable.

To each of these I will reply in their order:—

1st. To determine whether the impost will act proportionately or not, we must consider in what respect the proportion is to be taken. If it be a proportion between two of the states, that will be considered under the second head. If it be a proportion among the people of the same state, it is only recurring to the question, whether taxes on consumption are useful; for so long as no man pays the tax but he who chooses to purchase the article, the disproportion (if any,) is of his own creating. The necessity of a revenue to a certain amount, must be admitted. Is it then wise to raise a part of it from the consumption of foreign articles? I say the consumption, because the tax undoubtedly falls upon the consumer and not on the importer. If this be not a wise tax, what shall be substituted? Articles of primary and immediate necessity are made in the State of Rhode Island. Both food and

raiment can be had, without crossing the Atlantic in search of them. Every man, therefore, is at liberty to use foreign articles or not. If he does use them, the tax is voluntary, and therefore cannot be considered as disproportionate, any more than for one man to wear silk, while another wears wool.

2d. That Rhode Island consumes more foreign commodities, in proportion, than any other state in the Union, cannot be admitted. Rhode Island certainly makes many commodities, but the more southern states are in the habit of importing everything.

3d. That Rhode Island is, from its situation, liable to the unhappy accident of war, is true. But this incidental evil, arising from an advantageous position, cannot be adduced as a plea for exemption from public burthens. New York has suffered, at least, as much and as long.

4th. That the exclusive benefit of an impost should be carried to the state where it is collected, is a position unjust in itself, and which would forever prevent laying any duties; wherefore it would cut off not only one of the most productive, but one of the most useful branches of revenue. Rhode Island, Pennsylvania, and some other states, carry on the commerce of their neighbors as well as their own, from which they derive great riches. The duties are always, (like the risks and expenses,) paid by the consumer; for unless this be so, no tolerable reason can be assigned why foreign commodities should be dearer in war than in peace. If, then, a considerable duty were laid by the commercial state, it would fall on the uncommercial neighbors. That neighbor, therefore, would immediately take measures to carry on its own commerce, and prohibit the bringing of articles from the commercial state. These measures would produce a repeal of the duty. I take no notice here of the alterations which would arise; it is sufficient to show that the private view of revenue for the state would be defeated.

5th and 6th. These objections do not appear to me to apply, because, in the first place, I can hardly suppose the neighboring states will ever think of laying duties on their own produce; for, if any of them should, her citizens would be the sufferers. Secondly, if the articles of produce be left uncontrolled by the government, every individual will be a check on the avidity of his neighbor, and if, by this means, a piece of American goods can be vended cheaper in Rhode Island he will, by the purchase of it, save money to himself, and therefore to the country; and, as the duty is collected only on foreign goods, he will not pay the duty, and, of course, the duty on his state will be so much the less.

7th. The seventh objection will apply more strongly to almost any other kind of tax, because this may be collected by a very small number of men.

8th. The eighth objection I cannot admit, because, forming my opinion

of that State from what I conceive to be the character of the gentlemen who make the objection, I cannot believe it to be valid. Smuggling was formerly not disrespectful, because it was the evading of laws which were not made by proper authority, and therefore not obligatory. But nothing can be more infamous than to defraud our own government of so small a pittance; and, I trust, that if any individual were inclined to do so, he would be detected by the first person who saw him, and would be as much exposed to the resentment and contempt of his fellow citizens, as an informer would have been in the times above alluded to.

9th. The last objection ought not to be made, because there is no reason to suppose that Congress would devise means to oppress their fellow citizens. But it is one of our greatest misfortunes that men are apt to reason from one thing to another which is very dissimilar. The Parliament of England cared nothing about the consequences of laws made for us, because they were not affected by them. This is always the case under such circumstances, and forms one of the most powerful arguments in favor of free governments. But how can it be supposed that a member of Congress, who is liable to be recalled at a moment's warning, would join in measures which are oppressive to the people, and which he must necessarily himself feel the weight of, without deriving any advantage from them. For it is not here, as in England, that there is a king to buy votes for bad purposes. If the members of Congress be seduced, it must be by the Congress—which is absurd. If, indeed, the Congress were either a hereditary body, self-existent, or if they were self-elected, there might be room for apprehension, but as they are not, there can be none.

Now, sir, the state of things is shortly this:—The United States are deeply indebted to the people of America. They have called for revenues to pay their debts in a course of years, being the only means of receiving credit, and lightening present burthens. All the states consent but Rhode Island, to whose citizens a very considerable part of this debt is due; of consequence the whole is suspended. The reasons assigned are partly local and I verily believe are founded on mistaken principles. The revenue, however, if granted, is insufficient. More must be demanded, and consequently, as all taxes are unpleasant, some state will be found to oppose any which can be devised, on quite as good ground as the present opposition. What then is the consequence?

I am, sir, your Excellency's

Most obedient and most humble servant,

ROBERT MORRIS.

SOME objections against passing an Impost Law, in the State of Rhode Island and Providence Plantations, briefly stated at the request of the Superintendent of Finance, by his humble servant, D. Howell.

It is assumed that the usual mode of taxation draweth supplies from the people, proportionate to what they possess, and have defended by the public, and is therefore founded on the most obvious principles of justice. But the measure proposed would either draw a disproportionate supply from the merchant, as such, or from the consumers in general; if from the merchant, according to what he imports; if from the consumer, according to what he consumes. In either case, it would bear hard on the citizens of Rhode Island and Providence Plantations, who both import and consume of important articles, a greater proportion than any other state. As the State of Rhode Island and Providence Plantations is subjected from its maritime situations to greater losses and risks in war, without any claim of reimbursement, therefore, in virtue of any compact or stipulation on the Federal Union; if any revenue can be raised from trade in the way proposed, or any other, the State is entitled to the exclusive benefit thereof, and that the amount annually passed to their credit, and be collected by officers of their own appointment, in common justice recognized in confederation. Should a duty be laid on imported goods the prices of such country produce as may be substituted in their room will be raised, (should said duty be superadded to the former prices of imported goods,) and preserve nearly their usual proportion thereto. These being drawn from neighboring states, will eventually come charged with a similar duty, and thus the neighboring states in particular, and the Union at large, will draw a substantial revenue out of the earnings and industry of the citizens of Rhode Island and Providence Plantations. Duties imposed directly on country produce, or inland embargoes by neighboring states, may in future put the inhabitants of Rhode Island and Providence Plantations on the necessity of subsisting themselves more, if not altogether, on imported goods, and increase the burdensome operations of the impost proposed. But while trade remains free to all the world and unfettered with duties, the State, though small, still remains independent.

So far from creating ways and means, or lightening our taxes, the measure proposed would incur the enormous additional charge of taking off from arts and industry a numerous train of men for the collection and after management of this revenue; and supporting them in comparative idleness only to shift the mode of raising supplies, and to throwing taxation into another channel to the lasting injury of certain descriptions of citizens.

After all this additional charge incurred, the revenue proposed would not be productive. It would be the interest of the merchant to avoid paying it, and the interest of the State to countenance him. Profanations of oaths and corruption in various forms would follow. No definite plan for the execution of the impost law has yet been promulgated. Whether penalties are to be recoverable or prosecutions commenced in the common or maritime courts, is not declared; and the operation of the law may be rendered more grievous by the mode of enforcing it. The State wishes to preserve inviolate, Article 8th of the Confederation; and whenever their quota of continental requisitions shall be made agreeably thereto, to be permitted to raise it in their own way.

N. B.—The State is largely interested in Loan Office Certificates, and desirous of discharging interest and principal with honor.

OFFICE OF FINANCE, September 3, 1782.

SIR:—I learned yesterday, by accident, that the several restrictions in the impost laws of the different states have been forwarded to your Legislature, and that they have been informed that Georgia has not acceded to the recommendation. I write this short letter to observe, that it was not expected that the states of South Carolina and Georgia would pass the necessary laws, because of their distracted situation; but yet South Carolina has passed it, and Georgia has probably followed her example by this time. As to the restrictions, depend on it, that no law will be considered a compliance with the requisitions, which contain clauses contrary to the spirit of it. Such clauses have already been, in one instance, objected to, on the part of Congress—not without success.

I am, Sir, respectfully, your Excellency's

Most obedient and most humble servant,

ROBERT MORRIS.

His Excellency the Governor of Rhode Island.

JONATHAN ARNOLD TO GOV. GREENE.

PHILADELPHIA, Oct. 8th, 1782.

SIR:—I have the honor to inform you that I arrived in this city the 5th instant, since which Congress having been engaged on business by committees, and interrupted by the city election, I have not gained such acquaintance with the public measures now pursuing, as enables me to give useful information.

This, I doubt not, will be done by the letters of my worthy colleague, Mr. Howell.

On my way to this place, I passed through the grand American camp,

where I met with Gen. Cornell, who left Philadelphia some days before. The General informed me of an appointment he held under the Financier General, which may, perhaps, prevent his immediate return.

I have the honor to be your Excellency's

Very humble servant,

JONATHAN ARNOLD.

As the time approached when the Legislature of this State would be called upon to act on this question, their delegates took occasion to repeat and enforce their arguments against the grant, in the letters that immediately follow : —

MESSRS. ARNOLD AND HOWELL TO GOV. GREENE.

PHILADELPHIA, Oct. 13th, 1782.

SIR : — Enclosed herewith, your Excellency will receive several extracts from the minutes of Congress, relative to points highly interesting to the State we have the honor to represent. By a resolution of the 10th instant, Rhode Island and Georgia are called upon for an immediate and definite answer to the recommendations of Congress respecting an impost. Upon this important occasion, we cannot admit a doubt that the General Assembly will adhere to those principles of freedom which characterize the State, and with that wisdom and firmness which have heretofore marked their decisions, and which reflect the highest honor upon their deliberations.

We cannot omit to assure your Excellency, that although the interesting cause of the western lands has lately been agitated, and the claimants out voted, our assiduous endeavors shall not be wanting to renew the question as soon as circumstances shall render it proper.

As that extensive territory, heretofore belonging to the Crown of Britain, has, in right of conquest, devolved on the United State, by whose joint blood and treasure the late revolution has been affected, and as certain of these states yet continue their claims to share it exclusively amongst themselves to the prejudice of the Union, we beg leave to submit it to the wisdom and policy of the General Assembly, whether it will be expedient for our State to pass the impost, whereby these same engrossers of land will also be disproportionally benefited, before full justice shall be done us in regard to said lands.

To the extracts above mentioned we have caused the yeas and yeas to be annexed. This we think proper to be done on questions immediately affecting the interests of the State, as thereby the Assembly will be informed, not only with how great a majority, and by what states each is carried, but

also know the particular opinions of their own delegates, and be enabled to give them such directions and instructions, from time to time, as shall be found necessary. If the Assembly should not make a short adjournment, we shall take it as a particular obligation to have a further grant of money, to be forwarded in the course of next month.

We have no news, either foreign or domestic, worth communicating, but what is contained in the public papers enclosed.

With the greatest respect, we have the honor to be

Your Excellency's very humble servants,

JONATHAN ARNOLD.

DAVID HOWELL,

MESSRS. ARNOLD AND HOWELL TO GOV. GREENE.

PHILADELPHIA, Oct. 15th, 1782.

SIR:—On this all important occasion we cannot be silent. A moment remains before the post sets off, the last which can arrive at Providence, before the October Session of the Assembly.

The object of a seven years' war has been to preserve the liberties of this country, and not to assume in our own hands the power of governing tyrannically.

It has been, on our part, a contest for freedom—not for power! This has been the prize for which we so nobly contended. This, the goal, for which our course, so unremittingly pursued, has been directed. This the sacred palladium of all our hopes. We know your early, continued, and persevering zeal in your country's cause. We cannot doubt your firmness. To quicken your memory, awaken your feelings, and to fix your attention, is the object of this letter.

Congress has demanded of you an immediate answer, in regard to the impost. Should it be brought on whilst the least doubt remains in regard to its propriety, it will be safest to reject it. It can afterwards be adopted should evidence finally preponderate in its favor; but should it once be adopted, the fatal die is cast—it is to us irrevocable. Let no man, therefore, vote in its favor with a single remaining doubt. For this advice we have a great authority, "He that doubteth is damned, if he eat."

It applies in this case, precisely. A perpetual grant is demanded of you. We say perpetual, for that it will eventually be, such is as clear as the meridian sun. It is to be granted to Congress until all their debts are paid. They have power to contract as many debts as they please, and are not to account with you for their conduct. Will not half pay, pensions, and other pretenses, perpetually involve you deeper and deeper in debt, and render it

still more necessary to continue this grant to perpetuity, than it is to make it in the first instance ! Consult the voice of nature ; consult the histories of mankind. Nay, consult your own experience and give an answer, and let that answer govern your vote on this occasion.

This being the case, permit us, Sir, to demand of you, what right you have to make a perpetual grant of money ? Will not succeeding assemblies discover that you have invaded their rights ? Will not posterity complain that you have given away their money, which, on every principle of the present resolution, they would be entitled to do themselves ? Will not future Assemblies and posterity be equally entitled to judge and determine as to the mode of granting their money, as the present ? No rhetoric but that of power, no reason but the *ultima ratio regum*, will be able to evince the contrary.

Should the present deputies vote themselves perpetual, what injuries could the public sustain, but those which would result from their measures being perpetually pursued without the chance of a change for the better, by succeeding elections ? But if the present deputies can, by a vote, make their measures perpetual, they in fact do the same injury to the public, as they would by voting themselves perpetual, and eventually prostrate the ends of all future elections. Is not this a bold attack on the liberties of the people at large ? After Congress shall have obtained a perpetual permanent revenue at their disposal, will it not be a temptation to that august body, after the example of Holland, either to vote themselves perpetual, or to apply to the states for such a grant ? And should such an application be acceded to by a majority of the states, is it credible that our little State would have virtue and firmness sufficient to oppose the demands ? Would it not be in the power of Congress, having the perpetual revenue at their disposal, and having the command of your armies and navies to block up your harbors, and bring war into your State ? Could not your neighboring states lay duties and embargoes on your trade ? But we hear some minion of power reply, you are excessively jealous, you are affrighted at nothing. We answer, a degree of jealousy is necessary ; where it is extinguished, liberty expires. Did not similar jealousies bring about the present glorious revolution ? Did America resist the power of Britain to avoid only three pence on a pound of tea, or was it their claims, their unlimited claims, and the tendency of their measures ? Was it not rather oppression and violence apprehended and which existed in our well grounded fears and reasonable jealousy, that brought on the present war, than the great weight of present injuries ?

A system was formed which, if carried into effect,—and it would have been by degrees,—would have deprived us of all that is valuable in life. This approach of tyranny was resisted, and with good reason, and hitherto

by the blessing of Heaven, with good success. Tyranny is to be resisted most easily and effectually in its first approaches, and at a distance. When its standard is planted, it will have numerous adherents, and power to protect and gratify them. Should the impost be adopted, a numerous train of officers will be concerned in the collection and after management of the revenue.

The bribes of half-pay officers, pensioners, and public creditors, whose number and influence might be increased from time to time, at the pleasure of Congress, would enlarge, extend and increase their power, and soon induce the necessity of pursuing the remaining parts of the plan, by adopting the land tax, the poll tax, and the excise. After which the bonds of Union, to use the phrase of the advocates of these measures, would be complete; and we will add, the yoke of tyranny fixed on all the states, and the chains riveted.

The great system of government is established by the Confederation. This was a work of time and great wisdom. The eighth Article points out the method of ascertaining the quotas of the states in all pecuniary requisitions. The equality and justice of the mode is not contested. But it is said, annual taxation in this mode does not give sufficient security to the public creditors. In reply it may be observed that this was all the security they had a right to expect when they become creditors of the public. This was the ancient and only approved method of raising money, before the Confederation was adopted. The creditors, therefore, who trusted the public before that period, have no right to demand a greater security, for it was not promised them, in the contract.

And by the sixth and ninth Articles of Confederation, the power of imposing duties is expressly retained by the states in their individual capacities. The public creditors, therefore, cannot claim a right to a Continental impost, as a security for their money, in virtue of the Confederation, which in so many words, would entirely blast all hopes of that kind, had they been previously indulged. On what ground, then, can they demand greater security than they have by annual taxation? On none whatever. They ought, however, to be paid, and we make no doubt they will be paid to the extent of their just demands, and that in a Continental way, and no other.

But it is further said, the impost is necessary to give us further credit, and to procure loans. The contrary is the fact. We have drawn from Europe by loans or gratuity already, thirty-seven millions of silver, and a large loan is now negotiating there, and has in part succeeded, and will no doubt be filled up, without the security of mortgaging an impost, or any promise of the kind. Posterity, instead of regretting that our credit was not better established, will rather admire at its extent, when they feel the weight of the burden thereby transmitted down upon them.

It is not necessary, therefore, to enable us to procure loans abroad, but rather to be avoided on that account as a temptation to incur an extravagant foreign debt, and endangering a more lavish expenditure of public moneys. On what footing, then, is the measure necessary? No plighted faith requires it; no reasons of finance can induce it; no policy of state can justify it; no principle of our Constitution can warrant it. The glorious fabric of freedom erected in this new world is the admiration of all civilized nations. May it long remain unimpaired. The structure of its several parts deserves attention, and constitutes its symmetry and elegance.

The weight of Congress rests and bears only on the several states; the states bear only on the several counties, in some states, and the counties on the towns, and, in others, the states bear immediately on the towns, and the towns, in all, on the individuals,—the broad basis of power,—which reared and supports the whole fabric.

The impost would break in upon this beautiful proportion and empower Congress, by their own officers, to bear with their own weight directly on individuals. This would disturb the general harmony, derange the elegant proportion, and endanger the welfare of the whole building.

The Continental treasury is to be supplied from the several states, agreeable to Article eight, by successive requisitions. When a new requisition is made, the purposes for which it is to be appropriated are to be pointed out to you; and it is to be accompanied with particular estimates. You are, at the same time, to be informed what has been done, with your last quota, and, on a full consideration of the representation so made to you, you are to grant your money like freemen, from time to time, bound only, as a sovereign and independent State, by your sentiments of justice, of virtue, and by your sacred honor. This is the voice of the Confederation.

We shall not, on this occasion, repeat the well known objections against the measure. That it would, instead of lessening, increase the public burdens of the country by the additional expenses of numerous tribes of officers concerned in the revenue; that Congress are not to account for the amount or expenditure of it; that it would draw a larger proportion of the public debt from us, as a commercial State, and as consuming, in consequence, a larger proportion of imposts than any other state; that it would not be equal between individuals, bearing harder on the poor and laborious, who are the strength of a state, upon those who have large families, and add to the strength of the state by increasing its subjects; that it would require a military force to execute it, and bring in standing armies; that our coast must be lined with cutters, galleys, &c., to prevent running goods; that it would multiply oaths and bring on depravity of manners, &c., &c.; that a proportionate share of the back lands is unjustly withheld

from us, and finally that the measure would not, under all these embarrassments, be productive of, or afford any considerable revenue.

These objections are not only well founded, but so notorious we shall not dwell on them, but conclude by observing that a measure, against which so many objections lie, and with so much weight, and which when once adopted, cannot be revoked, ought not to be adopted at all. To adopt it partially and on condition, as some states have done, would discover an aversion to the measure mixed with fear of declaring real sentiments. It is a measure which must be adopted entire, or not at all.

We cannot doubt but that the measure will be postponed, or finally rejected by a large majority of the virtuous and patriotic Legislature of our State, which has from its first settlement preserved its liberties entire; been foremost in the present glorious revolution, and by a decided opinion on this important occasion, will preserve the liberties of the United States and transmit them to posterity, and thereby enact to themselves a monument more durable than brass.

With sentiments of the highest esteem we have the honor to be

Your Excellency's very humble servants,

JONATHAN ARNOLD,

DAVID HOWELL.

MESSRS. ARNOLD AND HOWELL TO GOV. GREENE.

PHILADELPHIA, Oct. 19th, 1782.

SIR: —Enclosed you will receive two resolutions of Congress for raising moneys from the states, and the proportions in which the same is assigned to each state; it appears thereby, that the proportion to our State is lessened from 37 per cent. to about 41 $\frac{3}{4}$. A greater diminution could not be obtained.

Your Excellency will find in the resolutions of yesterday, a clause which we thought it our duty to oppose, on the following grounds:

Because, as by the laws of the State, the collectors in the several towns are vested with power, and it is their duty to collect all taxes, as well Continental as others, it would operate to prevent persons from accepting that office, and thereby embarrass, and greatly affect the internal police of the State.

Because, it would in part supercede in office, one of the general officers of the State, and essentially interfere with the duties of the office.

Because, it would create a new officer in the State, unknown in its Constitution, of foreign appointment, independent of the people, and over whose conduct, neither the Legislature nor Executive authority of the State would have any control.

Because, it would in its operation and tendency, be repugnant to the letter and spirit of the Confederation, particularly the latter clause of the eighth Article.

We submit the justice, force and propriety of these objections to the wisdom of the Assembly, not doubting they will on this and every similar occasion, pursue their public measures in such manner as shall effectually check the oblique and covert, as well as the direct and open approaches of despotism.

The calls for money in the several departments are very pressing, and the public suffers greatly in its interests, by the delinquencies of the states, in taxation. But your delegates are happy, that the State they represent is amongst the foremost in exertions. This gives them a confidence in their applications, and must add weight to every argument adduced in its favor. Congress is not fully assured of the loan now negotiating, mentioned in their resolution of the 16th. Unless they should succeed to their wishes, further requisitions for the ensuing year, will be necessary.

With great consideration and respect, we have the honor to be,

Your Excellency's very humble servants,

JONATHAN ARNOLD,
DAVID HOWELL.

N. B.—Both taxes are apportioned upon the same principles.

P. S.—The papers enclosed give all the news current in the city.

On the 10th of October, 1782, Congress resolved, that they “call upon the States of Rhode Island and Georgia, for an immediate and definitive answer, whether they will comply with the recommendation of Congress to vest them with power to levy a duty of five per cent. on all goods imported, and on prizes and prize goods.”

Being thus called upon, the subject was brought before the Assembly at their session, which commenced on the last Monday in the same month. It came up in the House of Representatives, and on the first day of November that house came to a vote on the main question. Fifty-three of the sixty-eight members that composed that House, were in their seats and voted unanimously against it. Of course the subject did not come before the other House of Assembly and

does not therefore appear in the schedules of the proceedings of the General Assembly.

The result was transmitted to Congress by the following letter addressed by the Speaker of the House of Representatives to the President :

EAST GREENWICH, Nov. 30th, 1782.

SIR :— In obedience to the directions of the lower House of Assembly of this State, I have the honor to enclose to your Excellency their unanimous resolutions on the recommendation of Congress, respecting an impost on imported goods, &c., and to state some of the principal reasons which produced that resolution. The recommendation was rejected.

First, because it would be unequal in its operation, bearing hardest on the commercial states, and so would press peculiarly hard on this State, which draws its chief support from commerce.

Secondly, because it proposes to introduce into this and the other states, officers unknown and unaccountable to them, and so is against the constitution of this State.

Thirdly, because, by granting to Congress power to collect moneys from the commerce of these states, indefinitely as to time and quantity, for the expenditure of which they are not to be accountable to the states, they would become independent of their constituents, and so the proposed impost is repugnant to the liberty of the United States.

Many more reasons might be offered, and the subject drawn out to a great length, by descending to particulars, but these are sufficient to answer the main design of the House, which is to show a decent respect to the states which have differed from them, in opinion, on this subject.

This State may be justly ranked among the foremost in the common cause, having furnished in support of it as many men and as much money, in proportion to its abilities, as any state in the Union, and much more than most of them, and it is still disposed to continue its exertions ; but it will raise and collect its quota of public taxes in such a way as shall be judged most proper. And it is hoped, that when its resolutions are founded on the great principles of liberty and a general interest, it will not be thought to suspect the public virtue of the present Congress, by withholding from them, or their servants, a power of which their successors might make a dangerous use.

With the highest sense of respect for your Excellency, and the Honorable Assembly over which you preside, I am

Your Excellency's most obedient servant,

WILLIAM BRADFORD, SPEAKER.

It is probable that news of this result reached Congress sometime before this letter did. It certainly was looked for with anxiety as well by Congress as by the other states. It was hoped that Rhode Island would make the grant, and that the other states which had made it conditionally, would be induced so to modify their action as to confer the power on Congress without any great delay. By many of the leading men, this was deemed a measure of vital importance to the Union. That it was so considered in Congress may be inferred from the following resolution of that body, which was moved by Mr. Hamilton and seconded by Mr. Rutledge, and passed December 6th : —

RESOLVED, That the Superintendent of Finance be, and he is hereby directed to represent to the legislatures of the several states, the indispensable necessity for their complying with the requisitions of Congress, for raising one million two hundred thousand dollars for paying a year's interest of the domestic debt of the United States, and two millions dollars toward defraying the expenses of the estimate for the ensuing year, and the inconveniencies, embarrassments and injuries to the public service, which will arise from the states individually making appropriations of any part of the said two millions dollars, or of any other moneys required by the United States in Congress assembled, assuring them withal, that Congress is determined to make the fullest justice to the public creditors an invariable object of their councils and exertions ; that a deputation be sent to the State of Rhode Island for the purpose of making a full and just representation of the public affairs of the United States, and of urging the absolute necessity of compliance with the resolution of Congress of the 3d of February, 1781, respecting the duty on imports and prizes, as a measure essential to the safety and reputation of these states.

The first part of this resolution, down to "exertions," passed unanimously. On agreeing to the remainder, Mr. Arnold and Mr. Howell alone, voted in the negative. The members chosen on this deputation, were Mr. Osgood, of Massachusetts, Mr. Mifflin, of Pennsylvania, and Mr. Nash, of North Carolina.

This resolution was communicated to Gov Greene by the following letter from the delegates :—

MESSES. ARNOLD AND HOWELL TO GOV. GREENE.

PHILADELPHIA, Dec. 7th, 1782.

SIR :— By a resolve of Congress yesterday, a Committee of Congress, consisting of the Hon. Mr. Osgood, the Hon. Mr. Mifflin, and the Hon. Mr. Nash, was appointed to wait on our Legislature, to urge them into a compliance with the impost. These gentlemen, being respectable in their private as well as public characters, are well entitled to attention and respect. This, we cannot doubt, they will receive, though we cannot wish them success in the business of their appointment. We earnestly urged Congress to suspend this measure until they should have received the State's reply to the demand of Congress, for an immediate and definitive answer, which was daily expected, but urged in vain, it seeming to be the sense of Congress, that no reasons would divert them from the measure.

The affairs of Vermont are drawing to such a serious crisis, that it is our request to be therein specially instructed. The state of New Jersey has lately instructed their delegates ; that they consider the people of Vermont justly entitled to independence, by the resolves of Congress, and to oppose every measure contrary thereto. Herewith enclosed are certified extracts from the journals of Congress, of proceedings in regard to that people, upon which no comment on our part will be necessary ; we shall only observe that we cannot but consider the resolve of the 5th instant, truly alarming. We have heard of instructions to be sent forward from the October session of the Assembly, but none have yet come to hand.

With sentiments of esteem and respect, we have the honor to be,

Your Excellency's very humble servants,

JONATHAN ARNOLD,
DAVID HOWELL.

On the 11th of December, the following letter, prepared by Mr. Hamilton, Mr. Madison and Mr. Fitzsimmons, was directed by Congress to be sent to the Governor of this State :—

SIR :—Congress are equally affected and alarmed by the information they have received, that the Legislature of your State, at their last meeting, refused their concurrence in the establishment of duty on imposts. They consider this measure as so indispensable to the prosecution of the war, that

a sense of duty and a regard to the common safety compel them to renew their efforts to engage a compliance with it; and, in this view, they have determined to send a deputation of three of their members to your State, as expressed in the enclosed resolution. The gentlemen they have appointed will be able to lay before you a full and just representation of the public affairs, from which they flatter themselves, will result a conviction of the propriety of their solicitude upon the present occasion. Convinced by past experience of the zeal and patriotism of the State of Rhode Island, they cannot doubt, that it will yield to those urgent considerations which flow from a knowledge of our true situation. They will only briefly observe, that the increasing discontents of the army, the loud clamors of the public creditors and the extreme disproportion between the current supplies and the demands of the public service, are so many invincible arguments for the fund recommended by Congress. They feel themselves unable to devise any other more efficacious, less exceptionable and more generally agreeable, and if this is rejected, they anticipate calamities of a most menacing nature, with this consolation, however, that they have faithfully discharged their trust, and that the mischief which may follow cannot be attributed to them.

A principal object of the proposed fund, is to procure loans abroad. If no security can be held out to lenders, the success of these must necessarily be very limited. The last accounts on the subject were not flattering, and when intelligence shall arrive in Europe that the State of Rhode Island has disagreed to the only fund, which has as yet been devised, there is every reason to apprehend, it will have a fatal influence on their future progress. Deprived of this resource, our affairs must, in all probability, rapidly hasten to a dangerous crisis, and these states be involved in greater embarrassments than they have yet experienced and from which it may be difficult to emerge. Congress will only add a request to your Excellency, that if the Legislature should not be sitting, it may be called together as speedily as possible, to enable the gentlemen whom they have deputed, to perform the purpose of their mission.

The letter of Mr. Speaker Bradford reached Congress December 11th. On that day Mr. Howell made the following motion :—

Whereas, a letter to his Excellency, the President of Congress, from the lower House of Assembly of the State of Rhode Island and Providence Plantations, hath this day been received in Congress in the words and figures following, to wit: (Here follows a full copy of the letter.)

Wherefore, resolved, that the resolution of the 6th of December, for

appointing a deputation to be sent to the State of Rhode Island for the purpose "of making a full and just representation of the public affairs of the United States, and urging the absolute necessity of a compliance with the resolution of the 3d of February, 1781, respecting the duties on imposts and prizes, as a measure essential to the safety and reputation of these states," be, and the same is, hereby repealed.

On this motion the previous question was moved by the state of New York, and seconded by the state of New Hampshire, that the question be now put, and on the question to agree to the previous question, no delegates voted in the negative, except the three then present from this State, Mr. Collins, Mr. Arnold and Mr. Howell. "So it was resolved in the affirmative, and the main question set aside."

The letter of Mr. Speaker Bradford was referred by Congress to a committee, consisting of Messrs. Hamilton, Madison and Fitzsimmons, who subsequently submitted the following report:—

The committee, consisting of Mr. Hamilton, Mr. Madison, and Mr. Fitzsimmons, to whom was referred the letter of the 30th of November, from the Hon. William Bradford, Speaker of the lower House of Assembly of Rhode Island, containing, under three heads, the reasons of that State for refusing their compliance with the recommendation of Congress for a duty on imposts and prize goods, report,

That they flatter themselves the State, on a reconsideration of the objections they have offered, with a candid attention to the arguments which stand in opposition to them, will be induced to detract their dissent, convinced that the measure is supported on the most solid grounds of equal justice, policy and general utility. The following observations contrasted with each head of the objections, successively, will furnish a satisfactory answer to the whole.

First objection—"That the proposed duty would be unequal in its operation, bearing hardest upon the most commercial states, and so would press particularly hard upon that State, which draws its chief support from commerce." The most common experience, joined to the concurrent opinions of the ablest commercial and political observers, have established, beyond controversy, this general principle "that every duty on imposts is incorporated with the price of the commodity, and ultimately paid by the con-

sumer, with a profit on the duty itself, as a compensation to the merchant for the advance of his money."

The merchant considers the duty demanded by the state on the imported article, in the same light with freight, or any similar charge, and adding it to the principal cost, calculates his profit on the aggregate sum. It may happen that, at particular conjunctures, when the markets are overstocked, and there is a competition among the sellers, this may not be practicable; but, in the general course of trade, the demand for consumption preponderates, and the merchant can, with ease, indemnify himself and even obtain a profit on the advance. As a consumer, he pays his share of the duty, but it is no further a burden upon him. The consequence of the principle laid down is, that every class of the community bears its share of the duty, in proportion to its consumption, which last is regulated by the comparative wealth of the respective classes, in conjunction with their habits of expense or frugality. The rich and luxurious pay in proportion to their riches and luxury; the poor and parsimonious, in proportion to their poverty and parsimony. A chief excellency of this mode of revenue is, that it preserves a just measure to the abilities of individuals, promotes frugality, and taxes extravagance. The same reasoning in our situation applies to the intercourse between two states. If one imports and the other does not, the latter must be supplied by the former. The duty being transferred to the price of the commodity, is no more a charge on the importing state for what is consumed in the other, than it is a charge on the merchant for what is consumed by the farmer or artificer. Either state will only feel the burden in ratio to its consumption, and this will be in proportion to its population and wealth. What happens between the different classes in the same community internally, happens between the two states; and as the merchants, in the first case, so far from losing the duty himself, has a profit on the money he advanced for that purpose, so the importing state which, in the second case, is the merchant, with respect to the others, is not only reimbursed by the non-importing state, but has a like benefit on the duty advanced.

It is, therefore, the reverse of a just position, that the duty proposed will bear hardest on the most commercial states. It will, if anything, have a contrary effect, though not in a sufficient degree to justify an objection on the part of the non-importing states; for it is as reasonable they should allow an advance on the duty paid, as on the first cost, freight, or any accidental charge. They have also other advantages in the measure fully equivalent to this disadvantage. Over-nice and minute calculations, in matters of this nature, are inconsistent with national measures, and, in the imperfect state of human affairs, would stagnate all the operations of government. Absolute equality is not to be attained. To aim at it, is pursu-

ing a shadow at the expense of the substance, and, in the event, we should find ourselves wider of the mark than if, in the first instance, we were content to approach it with moderation.

Second objection—"That the recommendation proposes to introduce into that and the other states officers unknown and unaccountable to them, and so is against the constitution of the State."

It is not to be presumed that the constitution of any state could mean to define and fix the precise number and description of all officers permitted in the state, excluding the creation of any new ones, whatever might be the necessity, derived from that variety of circumstances incident to all political institutions. The legislature must always have a discretionary power of appointing officers, not expressly known to the constitution, and this power will include that of authorizing the Federal Government to make the appointments in cases where the general welfare may require it. The denial of this would prove too much, to wit:—that the power given by the Confederation to Congress, to appoint all officers in the Post Office, was illegal and unconstitutional.

The doctrine advanced by Rhode Island would, perhaps, prove also that the Federal Government ought to have the appointment of no internal officers whatever, a position that would defeat all the provisions of the Confederation, and all the purposes of the Union. The truth is, that no Federal Constitution can exist without powers that, in the exercise, affect the internal police of the component members. It is equally true that no government can exist without a right to appoint officers for those purposes which proceed from, and centre in itself; and therefore the Confederation has expressly declared that Congress shall have the power to appoint all such "civil officers as may be necessary for managing the general affairs of the United States under their direction." All that can be required is, that the Federal Government confine its appointments to such as it is empowered to make by the original act of the Union, or by the subsequent consent of the parties. Unless there should be express words of exclusion in the constitution of a state, there can be no reason to doubt that it is within the compass of legislative discretion to communicate that authority. The propriety of doing it upon the present occasion is founded on substantial reasons.

The measure proposed is a measure of necessity. Repeated experiments have shown that the revenue to be raised within these states is altogether inadequate to the public wants. The deficiency can only be supplied by loans. Our applications to the foreign powers, on whose friendship we depend, have a success far short of our necessities. The next resource is to borrow from individuals. These will never be actuated by generosity, nor reasons of state. It is to their interest alone that we must appeal. To

conciliate this, we must not only stipulate a proper compensation for what they lend, but we must give security for the performance. We must pledge an ascertained fund, simple and productive in its nature, general in its principle, and at the disposal of a single will. There can be little confidence in a security under the revisal of thirteen different deliberatives. It must, once for all, be defined and established on the faith of the states solemnly pledged to each other, and not revocable by any, without a breach of the general compact. It is by such expedients, that nations whose resources are understood, whose reputations and governments are erected on the foundation of ages, are enabled to obtain a solid and extensive credit. Would it be reasonable in us to hope for more easy terms, who have so recently assumed our rank among the nations? Is it not to be expected that individuals will be cautious in lending their money to a people in our circumstances, and that they will at least require the best security we can give? We have an enemy, vigilant, intriguing, well acquainted with our defects and embarrassments. We may expect that he will make every effort to instill diffidence into individuals, and in the present posture of our internal affairs, he will have too plausible ground on which to tread. Our necessities have obliged us to embrace measures, with respect to our public credit, calculated to inspire distrust. The prepossessions on this article must naturally be against us, and it is therefore indispensable we should endeavor to remove them, by such means as will be the most obvious and striking. It was with these views Congress determined on a general fund, and the one they have recommended, must, upon a thorough examination, appear to have fewer inconveniences than any other.

It has been remarked as an essential part of the plan, that the fund should depend on a single will. This will not be the case unless the collection, as well as the appropriation, is under the control of the United States. For it is evident that, after the duty is agreed upon, it may, in a great measure, be defeated by an ineffectual mode of levying it. The United States have a common interest in a uniform and equally energetic collection; and not only policy but justice to all parts of the Union, designates the utility of lodging the power of making it where the interest is common. Without this, it might in reality operate as a very unequal tax.

Third objection—"That, by granting to Congress the power to collect moneys from the commerce of these states, indefinitely as to time and quantity, and for the expenditure of which they are not to be accountable to the states, they would become independent of their constituents, and so the proposed impost is repugnant to the liberty of the United States."

Admitting the principle of this objection to be true, still it ought to have no weight in the present case, because there is no analogy between the

principle and the fact. First, the fund proposed is sufficiently definite as to time, because it is only coëxtensive with the existence of the debt, contracted and to be contracted in the course of the war. Congress is persuaded that it is as remote from the intentions of their constituents to perpetuate that debt, as to extinguish it at once, by a faithless neglect of providing the means to fulfil the public engagements. Their ability to discharge it in a moderate time; can as little be doubted as their inclination: and the moment that debt ceases, the duty, so far as respects the present provision, ceases with it. The resolution recommending the duty specifies the object of it to be the discharge of the principal and interest of the debts already contracted, or which may be contracted, on the faith of the United States, for supporting the present war.

Secondly, the rate per cent. is fixed, and it is not at the option of the United States to increase it. Though the product will vary according to the variations of trade, yet as there is this limitation of the rate, it cannot be properly said to be indefinite as to quantity. By the Confederation, Congress has as absolute discretion in determining the quantum of revenue requisite for the national expenditure. When this is done, nothing remains for the states separately, but the mode of raising. No state can dispute the obligation to pay the sum demanded without a breach of the Confederation, and when the money comes into the treasury, the appropriation is the exclusive province of the federal government. This provision of the Confederation, without which it would be an empty form, comprehends in it, the principle in its fullest latitude, which the objection under consideration, treats as repugnant to the liberty of the United States, to wit: an indefinite power of prescribing the quantity of money to be raised, and of appropriating it when raised. If it be said that the states, individually, having the collection in their own hands, may refuse a compliance with exorbitant demands, the Confederation will answer, that this is a point of which they have no constitutional liberty to judge. Such a refusal would be an exertion of power and not of right, and the same power which could disregard a requisition made on the authority of the Confederation might at any time arrest the collection of the duty.

The same kind of responsibility which exists with respect to the expenditure of the money furnished in the forms hitherto practiced would be equally applicable to the revenue from the imports.

The truth is, the security intended to the general liberty in the Confederation consists in the frequent election and in the rotation of the members of Congress, by which there is a constant and an effectual check upon them. This is the security which the people in every state enjoy against the usurpations of their internal governments, and it is the true source of security

in a representative republic. The government so constituted, ought to have the means necessary to answer the end of its institution. By weakening its hands too much, it may be rendered incapable of providing for the internal harmony or the exterior defence of the state.

The measure in question, if not within the letter, is within the spirit of the Confederation. Congress, by that, are empowered to borrow money for the use of the United States, and by implication, to concert the means necessary to accomplish the end. But without insiating upon this argument, if the Confederation has not made proper provision for the exigencies of the states, it will be at all times the duty of Congress to suggest further provisions, and when their proposals are submitted to the unanimous consent of the states, they can never be charged with exceeding the bounds of their trust. Such a consent is the basis and sanction of the Confederation, which expressly, in the thirteenth Article, empowers Congress to agree to and propose such additional provision.

The remarks hitherto made have had reference principally to the future prosecution of the war. There still remains an interesting light in which the subject ought to be viewed.

The United States have already contracted a debt in Europe and in this country, for which their faith is pledged. The capital of this debt can only be discharged by degrees, but a fund for this purpose, and for paying the interest annually, on every principle of policy and justice, ought to be provided. The omission will be the deepest ingratitude and cruelty to a large number of meritorious individuals, who in the most critical periods of the war have adventured their fortunes in support of our Independence. It would stamp the national character with indelible disgrace. An annual provision for the purpose will be too precarious. If its continuance and application were certain, it would not afford complete relief. With many, the regular payment of interest, by occasional grants, would suffice; but with many more, it would not. These want the use of the principal itself, and they have a right to it. But since it is not in our power to pay off the principal, the next expedient is to fund the debt and render the evidences of it negotiable. Besides the advantages to individuals from this arrangement, the active stock of the nation would be increased by the whole amount of the domestic debt, and of course the abilities of the community to contribute to the public wants. The national credit would revive and stand hereafter on a secure basis. This was another object of the proposed duty.

If it be conceded that a similar fund is necessary, it can hardly be disputed that the one recommended is the most eligible. It has been already shown that it affects all parts of the community in proportion to their con-

sumption, and has, therefore, the best pretensions to equality. It is the most agreeable tax to the people that can be imposed, because it is paid insensibly and seems to be voluntary.

It may, perhaps, be imagined that it is unfavorable to commerce, but the contrary can easily be demonstrated. It has been seen that it does not diminish the profit of the merchant, and of course can be no diminution of his inducements to trade. It is too moderate in its amount to discourage the consumption of imported goods, and cannot on that account abridge the extent of importations. If it even had this effect, it would be an advantage to commerce by lessening the proportion of our imports to our exports, and inclining the balance in favor of this country.

The principal thing to be consulted for the advancement of commerce is to promote exports. All impediments to these, either by way of prohibition, or by increasing the prices of native commodities, decreasing by that means their sale and consumption at foreign markets, are injurious. Duties on exports have this operation. For the same reason, taxes on possessions and the articles of our own growth or manufacture, whether in the form of a land tax, excise, or any other, are more hurtful to trade than impost duties. The tendency of all such taxes is to increase the prices of those articles which are the objects of exportation, and to enable others to undersell us abroad. The farmer, if he pays a heavy land tax, must endeavor to get more for the products of his farm; the mechanic and laborer, if they find the necessaries of life grow dearer by an excise, must endeavor to exact higher wages. And these causes will produce an increase of prices within, and operate against foreign commerce. It is not, however, to be inferred that the whole revenue ought to be drawn from imposts. All extremes are to be rejected. The chief thing to be attended to is, that the weight of taxes fall not too heavily, in the first instance, upon particular parts of the community. A judicious distribution to all kinds of taxable property is a first principle in taxation.

The tendency of these observations is only to show that taxes on possessions, on articles of our own growth and manufacture, are more prejudicial to trade than duties on imports.

The observations which conclude the letter on which these remarks are made, naturally lead to reflections that deserve the serious attention of every member of the Union. There is a happy mean between too much confidence and excessive jealousy, in which the health and prosperity of a state consist. Either extreme is a dangerous vice; the first is a temptation to men in power to arrogate more than they have a right to; the latter enervates government, prevents system in the administration, defeats the most salutary measures, breeds confusion in the state, disgusts and dis-

contents among the people, and may eventually prove as fatal to liberty as the opposite tempers. It is certainly pernicious to leave any government in a situation of responsibility disproportioned to its power.

The conduct of the war is intrusted to Congress, and the public expectation is turned upon them, without any competent means at their command to satisfy the important trust. After the most full and solemn deliberations, under a collective view of all the public difficulties, they recommend a measure which appears to them the corner stone of the public safety. They see this measure suspended for near two years; partially complied with by some of the states, rejected by one of them, and in danger, on that account, of being frustrated;—the public embarrassments every day increasing, the dissatisfaction of the army growing more serious, the other creditors of the public clamoring for justice; both, irritated by the delay of measures for their present relief or future security; the hopes of our enemies encouraged to protract the war; the zeal of our friends depressed by an appearance of remissness and want of exertion, on our part; Congress harrassed; the national character suffering, and the national safety at the mercy of events.

This state of things cannot but be extremely painful to Congress, and appear to your Committee to make it their duty to be urgent to obviate the evils with which it is pregnant.

Another resolution passed Congress on the 6th of December, which undoubtedly had its origin in the opposition manifested by the delegates of this State to the granting of the five per cent. impost:—

WHEREAS, There is reason to suspect, that as well the national character of the United States and the honor of Congress, as the finances of the said states, may be injured and the public service greatly retarded by some publications that have been made concerning the foreign affairs of the said states,

RESOLVED, That a committee be appointed to inquire into this subject, and report what steps they conceive are necessary to be taken thereon.

The names of the committee appear in the journal of Congress, December 12th, in the following entry:—

The committee, consisting of Mr. Williamson, Mr. Carroll, and Mr. Madison, appointed to consider how far the honor of Congress and the finances of the United States may be affected by certain late publications

on the subject of foreign loans, report : That, among the different publications which have been lately made concerning foreign loans, they have particularly attended to a very remarkable extract of a letter, published in the *Boston Gazette* of Nov. 10th, 1782, under the Providence head, which is there said to be an extract of a letter from a gentleman in Philadelphia to a friend in that town, dated October 16th, in which are the following observations :

“This day letters have been read in Congress from Mr. Adams, of the 16th of August, and Mr. Dumas, his Secretary, of the 19th. The loan he is negotiating fills as fast as could be expected. The national importance of the United States is constantly rising in the estimation of European powers and the civilized world. Such is their credit that they have, of late, failed in no application for foreign loans, and the only danger on that score is that of contracting too large a debt.”

Your committee have examined the several letters that have been received from Mr. Adams, your minister at the Hague, in the course of the last six months, as well as those from Mr. Dumas and the sundry letters that have been received from your ministers at Versailles and Madrid, on the subject of loans, in the course of the present year, and they are sorry to observe, that the positions just referred to on the subject of loans are not only ill-founded, but some of them are expressly contradicted by the letters of your ministers at foreign courts ; and whereas the above extract, from its date and particular mention of other dates, is so drawn as to give reason to suspect that it was written by a member of Congress, or by some person officially entrusted with their papers, and as the duty and honor of Congress require that they should endeavor to detect and prevent misrepresentations of this kind,

RESOLVED, That the Secretary of Foreign Affairs be instructed to write to the Executive of Rhode Island, requesting him to inquire through what channels the above communication was made, and who is the supposed author of the extract referred to, and report accordingly.

Which report was agreed to.

On the 18th day of December, the following motion being before Congress, to wit :—

RESOLVED, That the Secretary of Foreign Affairs be discharged from the instruction given him on the 12th inst., Mr. Howell, a delegate from the State of Rhode Island, having acknowledged himself as the author of the extract of the letters quoted in the report of the committee.

A motion was made by Mr. Howell to postpone the consideration of the motion before the House, to make way for one he read in his place, in the words following:—

David Howell, of Providence, in the State of Rhode Island and Providence Plantations, now a delegate in Congress for said State, having in his place made the following declaration, viz. : That he hath, in sundry letters to his constituents, written largely on the public affairs, both foreign and domestic, of the United States, particularly in a letter of fifteen pages in folio, directed to his Excellency William Greene, Esq., Governor of said State, and in another, less copious, directed to John Carter, Esq., printer of the *Providence Gazette*, from one of which, he doubts not, was extracted a certain paragraph in the *Providence Gazette* of the 2d of November last, as follows, viz. :—

“ This day letters have been read in Congress from Mr. Adams of the 16th of August ; Mr. Dumas, his Secretary, of the 19th. The loan he is negotiating fills as fast as could be expected. * * * The national importance of the United States is constantly rising in the estimation of European powers and the civilized world. * * * Such is their credit that they have, of late, failed in no application for foreign loans, and the danger on that score is that of contracting too large a debt. * * * *desunt non nulla.*”

But not having copies of said letters, he is at present unable to identify the words and sentences. The substance he avows to have written, not only in said letters, but others on sundry occasions ; at the same time absolutely protesting generally against any power exercised or claimed by Congress to call any member of their body to account for any information which he may think proper to communicate to his constituents, the secrets only of Congress excepted, and more especially against any powers in the present Congress to call to account a member of the late Congress. Further alleging and protesting that the resolve of the — day of December inst., appointing a committee of Congress on late publications, is a departure from the dignity of Congress, and tends to establish a precedent dangerous to the freedom of the press, the palladium of liberty, civil and religious ; and that the resolve of the — day of December inst., accepting the report of the said committee against a certain paragraph in a newspaper, and demanding the writer thereof to be delivered up by the Executive of the State of Rhode Island, is, in effect, an infraction of the 5th Article of the Confederation, which allows freedom of speech and debate in Congress, and of course a free communication of such speeches and debates to their

constituents by the members of Congress, without being accountable to that body for the propriety of what is said, debated, or communicated; and declaring that the facts stated in the said paragraph, respecting foreign loans, are substantially true, and can be established by authentic documents in possession of Congress, there having been no eventual and final failure in any "late application," that the opinions advanced are such as he entertained and declared on the floor of Congress, when the sum of a foreign loan was agitated, as the yeas and nays on the journal will manifest, and such as he still retains, and in which he is not alone; that great injustice may be done to the most cautious writers by publishing a single paragraph only, of a letter of which, however, he does not, in this instance, complain, and still greater by a committee of Congress reporting only a part of such paragraph, and thereby fixing it on the journals in such a detached and maimed condition, of which he does not complain, and alleges that such proceeding threatens the privileges and endangers the characters of members of Congress; that such a mode of inquisition, established by the authority of Congress, has a tendency to erect a system of despotism, by deterring the minority from writing freely to their constituents such things as they have a right to know, lest their letters should be intercepted, published in detached paragraphs injuriously fixed on the journals of Congress by an overbearing majority; that it is well known that, in his private opinion, he is, has been, and has a right to be against the five per cent. impost (his constituents expected him to oppose it); that he has been faithful to them in that particular will not be denied. He is happy to find that the State he has the honor to represent has unanimously rejected that dangerous measure by a solemn determination of the Lower House of Assembly, on the first day of November last, fifty-three members being present. If the part he has taken in that regard has drawn on him the resentment of any, he will endeavor to sustain it with a fortitude becoming the cause of freedom and his country, which, in every part of his life, he has uniformly supported, and for proof appeals to the journals of Congress. His constituents have hitherto approved his conduct, and he trusts they will not fail to support him. He considers himself as their servant, and to them alone is he accountable for his doings; and, under them, servant of the United States, but not the servant of Congress.

The declaration and protest being duly considered, resolved, that the resolution of the 12th inst., in the words following, "Resolved, that the Secretary of Foreign Affairs be instructed to write to the Executive of Rhode Island, and request him to inquire through what channel the above communication was made, or who is the supposed author of the extract referred to, and report accordingly," be and the same is hereby revoked.

This motion of Mr. Howell, being seconded by Mr. Arnold, and on the question to agree to it, the yeas and nays being required by Mr. Howell, passed in the negative, Rhode Island alone voting in its favor.

The first motion was therefore adopted.

After the passage of this resolution, the following motion was made by Mr. Hamilton, and seconded by Mr. Carroll:—

Congress having, in respect to the Articles of Confederation, admitted on their Journals, an entry of a motion made by Mr. Howell, seconded by Mr. Arnold, highly derogatory to the honor and dignity of the United States in Congress assembled, resolved, that a committee be appointed to report such measures as it will be proper for Congress to adopt thereupon.

An ineffectual attempt was made by Mr. Arnold and Mr. Howell to amend this resolution by striking out the words, “Highly derogatory to the honor and dignity of the United States in Congress assembled.”

The original motion was then passed, and Messrs. Gilman, of New Hampshire; Hamilton, of New York, and Madison, of Virginia, were appointed on the committee.

They reported, on the 20th, the following resolution:—

RESOLVED, That the said motion, with the preceding resolution of Congress, to which it refers, be transmitted by the Secretary for Foreign Affairs to the Executive of the State of Rhode Island, with an authentic copy of the several applications for foreign loans, and the result thereof.

On the 31st of the same month, the Superintendent of Finance was directed to lay before Congress such extracts from letters received by him from Dr. Franklin, dated April 8th, and August 12th, 1782, and read in Congress on the 27th of December, as should be requested by Mr. Howell.

These were, on the 2d day of January, ordered to be delivered to Mr. Howell.

On the same day, Mr. Arnold moved the passage of the following resolution:—

RESOLVED, That the Secretary for Foreign Affairs be directed to transmit to the Executive of the State of Rhode Island and Providence Plantations, certified copies of the following extracts of public letters from Europe, viz. : —

Extract of a letter from the Minister of the United States at the Court of Versailles, directed to the Secretary of Foreign Affairs, dated Passy, August 12th, 1782 : —

All ranks of this nation appear to be in good humor with us, and our reputation raises in Europe.

Extract of a letter from the Minister at the Court of Versailles, to the Secretary for Foreign Affairs, dated Passy, September 3d, 1782 : —

It affords me much satisfaction to find the conduct of Congress approved by all that hear or speak of it, and to see all the marks of a constantly growing regard for us, and confidence in us, among those in whom such sentiments are most to be desired.

Extract of a letter from the same Minister to the Superintendent of Finance, dated Passy, April 8th, 1782, read in Congress December 12th, 1782 : —

Our public affairs go on swimmingly in Holland.

And an extract of another letter from the same Minister, to the Superintendent of Finance, dated Passy, 12th of August, 1782 ; read in Congress December 27th, 1782, viz : —

Your conduct, activity, and address, as financier and provider for the exigencies of the state, is much admired and praised here, its good consequences being so evident, particularly with regard to the rising credit of our country and the value of bills.

Extract of a letter from the Minister of the United States, at the Hague, to the Secretary for Foreign Affairs, dated Hague, July 5th, 1782 : —

Although I was obliged to engage with them for five millions of guilders, I do not expect we shall obtain that sum for a long time. If we get a million and a half by Christmas, it will be more than I expect.

Extract of a letter from the Marquis de Lafayette to the Secretary of Foreign Affairs, dated Paris, October 5th, 1782:—

In a letter from Mr. Adams to me, dated Hague, September 20th, I had the following intelligence. “We have at length the consent of all the cities and provinces, and have adjusted and agreed upon every article, word, syllable and point, in the treaty of commerce, and clerks are employed in making out fair copies for signature, which will be done this week. Amidst the innumerable crowd of loans, which are opened in this country, many of which have little success, I was afraid that ours would have failed. I have, however, the pleasure to inform you, that I am at least one million and a half in cash; about three millions of livres, which will be an aid to the operations of our finances.” From this, it appears that Mr. Adams has well employed his time in Holland, and I beg you will please to communicate this extract to Mr. Morris.

Mr. Arnold also moved the passage of the following:—

RESOLVED, That the said Secretary, also transmit to the said Executive, certified copies of the several letters that have been received from Mr. Adams, the Minister at the Hague, in the course of the last six months, as well as those from Mr. Dumas, and the sundry letters that have been received from the Ministers at Versailles and Madrid, on the subject of loans, in the course of the year 1782; and of all other letters respecting applications for foreign loans and the result thereof, and respecting which, secrecy has not been and is not enjoined by Congress.

A motion was made by Mr. Walcott, seconded by Mr. Carroll, to amend by prefixing the following preamble:—

Whereas, the delegates of the State of Rhode Island, have frequently interrupted and delayed the important business of Congress, by their solicitations to obtain certain extracts from letters received by Congress from their ministers, to have them transmitted to the State of Rhode Island; and whereas, all such extracts being taken without the connection which they have to other parts of such letters, will be very liable to misguide those to

whom such extracts shall be sent, yet considering the interruptions which such frequent motions occasion to the necessary business of the United States.

A motion was made by Mr. Gilman, seconded by Mr. —, to amend the amendment by inserting before the words "the delegates," the words "some of."

A motion was made by Mr. Rutledge, seconded by Mr. Hawkins, as follows :

Congress having on the 20th of December last, directed the Secretary for Foreign Affairs to transmit to the Executive authority of Rhode Island an authenticated state of the several applications for foreign loans, and the result thereof, Resolved that the foregoing motion be postponed.

A motion was made by Mr. Hamilton, seconded by Mr. Gilman, that the whole be committed. On the question of commitment, the yeas and nays being required by Mr. Howell, nine states voted yea, and one (Rhode Island), nay.

Mr. Gilman, Mr. Hamilton, and Mr. Ellsworth were appointed the committee.

A motion was then made by Mr. Osgood, seconded by Mr. Hamilton, that the entry of this proceeding be made in the Secret Journal, and on the question to agree to this, the yeas and nays being required by Mr. Howell, eight states voted yea. Rhode Island voted nay, and South Carolina was divided.

The committee to whom was referred the motion above copied, of Mr. Arnold, on the 14th of January, submitted the following report : —

That in their opinion, it would be improper for Congress to concur in the object of that motion, as, with respect to a part of the extracts specified, relating merely to the general growing importance of these states, the injunction of secrecy being taken off, any member who inclines to communicate them to his state may take copies of them, and more especially as Mr. Howell was furnished with complete copies of letters from which par-

ticular detached sentences are now requoted; and with respect to such extracts as relate to the subject of foreign loans, they are already within purview of the resolution of the 20th of December last, directing the Secretary for Foreign Affairs to transmit to the Executive of the State of Rhode Island an authenticated state of the applications for foreign loans, and the result; that the same observation applies to that part of the motion which relates generally to the transmission of the letters from our Foreign Ministers, on the subject of loans, not under the injunction of secrecy, with this additional consideration, that such of those letters as would, in fact, throw light upon the subject, comprehend many delicate transactions, which it is the duty of Congress, at the present juncture, to conceal. The committee, notwithstanding, are of opinion that, to obviate misrepresentation, it will be advisable to transmit to the Executive of the State of Rhode Island, a copy of Mr. Arnold's motion and the proceedings thereupon, with a request that precautions may be taken to prevent their appearing in the public papers.

On the question, Resolved that Congress agree to said report.

On the 12th of December, Mr. Howell obtained leave of absence from Congress. Events then transpiring induced him to remain until after the first of January.

The following letters from Mr. Arnold are inserted as containing his opinions of the official conduct of Mr. Howell, referred to in the foregoing documents, and his views of the action of Congress: —

JONATHAN ARNOLD TO GOV. GREENE.

PHILADELPHIA, December 6th, 1782.

SIR: —I have nothing more to communicate in respect to public affairs, but what the extracts from the Journals of Congress, and my colleagues and and my joint letters will do. Yet I cannot refrain from troubling your Excellency with a few observations upon the conduct of Mr Howell, since my arrival to this city, and which I believe, from various reasons, has been invariable the same ever since he had a seat in Congress. It appears to have been his first and only wish to serve his country generally, and especially his constituents, with unshaken fidelity. He has had no separate interested views to lead him from these objects. He clearly understood the force of the Articles of Confederation, and distinguished between the rights relinquished by the separate states and those retained; and on this, appeared desirous to fix his

decisions on such questions as were discussed. On other occasional and detached points, he ever showed a desire to do justice, consistent with honor and economy, and judging that in many instances, the gratuities and salaries of the civil officers were beyond what the present circumstances of the people could bear, he has missed no proper opportunity of speaking freely his opinion thereon, and to enforce the necessity of their reduction. He has been zealous and active in endeavoring to obtain justice in regard to the Western territory, part of which is already ceded. He has also, exerted himself to obtain some effectual measure whereby the public accounts might be collected and settled upon constitutional principles and the public credit thereby restored, without the necessity of recurrence to measures unknown in and contrary to such principles. But I am sorry to say in this his exertions have hitherto proved fruitless. For his conduct in the preceding matters, he has been looked upon in an invidious light, by those whose principles and conduct have been opposed to him. He has been treated with a coldness and indifference which must have been extremely mortifying to his feelings, and which to avoid, would have swerved from his purpose any one not endowed with an uncommon share of firmness.

As he is soon to return, I have reason to expect that the inveterate enmity which his honest and patriotic zeal in his country's cause has raised in the breasts of those to whom he has necessarily been opposed, will be exerted and follow him to his home, and that the most unremitted industry will be used to injure him in the State he has with so much integrity represented. My duty, therefore, to the State to prevent impositions upon them, and to him, as a colleague, in whose confidence and friendship I have been singularly happy during my residence here, and with whom I have on most occasions been united in sentiment as to public measures, oblige me, unknown to him, to give this public testimony of his conduct.

Hoping and trusting, while his principles and conduct continue as at present, he will have the love and esteem of his constituents, and be considered, as he really is, a very worthy and able defender of their rights and liberties,

I have the honor to be, with the highest sentiments of respect and esteem,
Your Excellency's very humble servant,

JONATHAN ARNOLD.

JONATHAN ARNOLD TO GOV. GREENE.

PHILADELPHIA, December 18th, 1782.

SIR :—I have to inform you that, although Mr. Collins arrived here this day week, Mr. Howell is still here, and how much longer he will be detained is unknown ; Congress having taken such measures affecting him per-

sonally, and relative to his public conduct, as to render his stay of absolute necessity. He has vindicated himself with a firmness becoming a representative of a free State. And as the liberties of the State and its rights by Confederation, I conceived to be invaded by the measures pursued against him, he has had every support I could afford him. This has drawn on me the attention of Congress, and I am included in a resolution of this day, for referring to a committee a certain motion made by Mr. Howell, and seconded by me. wherein were asserted the rights of a delegate and the dangerous tendency of the measures pursuing, to their privileges and to the liberties and privileges of the United States, in the form of a declaration and protest. I have not time to copy and enclose it by this, but shall forward it by the next opportunity. Where and when the matter will end, it is impossible to say, but I hope it will not change the resolution of the Assembly in respect to the impost, which I am persuaded it is calculated to do. I am certain it cannot when the matter is fully known, and instead thereof, it might fix their opinion as expressed in the third reason, which they stated to Congress, when they communicated their refusal therewith. Mr. Collins being absent and the post just setting off, I have not the opportunity to write jointly with him.

I have the honor to be, with the highest respect for your Excellency and the Honorable Assembly,

Your most humble servant,

JONATHAN ARNOLD.

JONATHAN ARNOLD TO GOV. GREENE.

PHILADELPHIA, Jan. 8th, 1783.

SIR : — The return of my late colleague, Mr. Howell, prevents the necessity of my writing particularly on public affairs, as he will be able to give every information in that regard. But the duty I owe to the State obliges me to give an account of the extraordinary proceedings in Congress towards that gentleman. To do which it is necessary, in the first place, to inform you that a large majority of the members of Congress had the most sanguine views of obtaining the proposed Continental impost of five per cent., which was held out by them as the only means of restoring public credit, of preventing a disunion of the states, and saving the country from immediate ruin. In short, it was extolled as the infallible, grand political catholicon by which every evil was to be avoided, and every advantage derived. Of consequence, everything done in opposition to that daring measure, placed the doer in the most obnoxious point of view. This was Mr. Howell's situation at my arrival, since which I have had the honor to share a part of the burden.

From circumstances, it was soon obvious that the favorers and expectants of that measure considered him as the chief stumbling stone in the way of their wishes, and directly after intelligence arrived in this city that the Assembly of the State of Rhode Island and Providence Plantations had rejected the impost, and previous to the arrival of any official account thereof, the proceedings contained in the extract from the Journals No. 1, took place; and the same day, December 6th, a deputation was appointed to go to Rhode Island, to urge a compliance with the impost. By the latter the design of the former was very evident. But prudence dictated silence in regard to the proceedings until a further progress should determine in what manner the gathering storm would fall.

On the 12th of December, Mr. Collins gave the letter of the Speaker of the lower House of Assembly to the President of Congress, which, being read, the motion and proceedings were made and took place, as in the extract of the Journals No. 3. And the same day, the committee above mentioned reported as, by the extract No. 2 of that day, appears.

It was now beyond a doubt that the proceedings originated in a fixed design to ruin Mr. Howell's credit and character, with the State he served, and thereby destroy that influence he was supposed to have in opposing the impost, their favorite object. To prevent further trouble, Mr. Howell, after deliberating upon the matter, avowed himself to be the writer of a letter from which it was probable the extract referred to in the report, was taken, and averred the facts therein stated to be true, as could be shown from the letters, &c., on the files of Congress.

During this progress the deputation were preparing for their tour. A committee of appointment had drawn up a very lengthy performance, wherein a state of public affairs, foreign and domestic, was elaborately wrought up to the liking of a majority of Congress, who received and approved it, and of which I shall say nothing more at present, as I mean to forward a copy thereof as soon as it can be procured.

In the mean time, sundry letters received from Europe, which it was declared necessary should be kept secret, and many transactions respecting the deputation wore an aspect which I could not reconcile to my own feelings. Secrecy was enjoined upon members of Congress, in matters public in the city and daily publishing in the newspapers, until I was obliged to declare, upon the floor, that in matters where the necessity therefor could not be pointed out, and which I deemed interesting to the State I had the honor to represent to be informed of, I should not hold myself bound by a majority from making the necessary communications thereof to my constituents. As a circumstantial detail of the many particulars which took place during the prosecution of my colleague, would draw out a letter to too great

a length, I must beg leave to refer generally to the extracts herewith enclosed, and will mention such only as tend to explain them, and such further proceedings, of which copies cannot be procured.

On the 18th of December, a motion was made before the House for repealing the resolution for the Secretary of Foreign Affairs to write to the State, requesting the author of said letter to be given up, as, it was said in the motion, "Mr. Howell, a delegate from the State of Rhode Island, having acknowledged himself the author," &c. It would appear by a motion thus expressed that Mr. Howell not only acknowledged himself the author thereof, but that he submitted to the stigma the committee had fixed upon it in their report, which was entered on the Journals. Therefore this was warmly opposed by Mr. Howell, and in which I supported him. But when the members seemed determined to bring his name on the Journals in that disagreeable view, Mr. Howell then offered his declaration and protest which appears in the extract enclosed, No. 2. And though, from the first it was my fixed intention to support my colleague, so far as I could with truth and justice, yet I felt a reluctance at bringing on the Journals what must place Congress in a view which was painful to me, and, after seconding his motion I desired him to withdraw it, to make way for an amendment which I wished to make to the motion first before the house. He withdrew it, and I moved the amendment in the words following:—

"Mr. Howell having acknowledged himself to be the author of a letter from which he supposes the extracts to have been taken, and that when he wrote the same he believed, and still believes, the representations therein made to be consistent with matters of fact, which may be proved by authentic letters and documents on the files of Congress."

After waiting the usual time, the President informed me I was not seconded. At this moment, I must confess, I felt, from a variety of passions which were thereby excited, an anxiety I never before was sensible of on any occasion. It appeared that the ruin of my colleague was irrevocably fixed and determined upon.

It now became necessary as the only resource, that he should renew this motion, which he did, and was seconded; and calling the yeas and nays brought it upon the Journals. In consequence of this, another committee was appointed upon us both, which, and their report given in on the 18th December, is in extract No. 2. By this, the Secretary for Foreign Affairs is to transmit to the State, together with the doings of Congress, "an authenticated state of the several applications for foreign loans, and the result thereof."

Apprehensive whether the same turn of thinking which actuated the first committee in their report, might not affect, in stating those matters, (apart

from other and personal considerations, and judging it would be more satisfactory to your Excellency and the Assembly to have the letters and papers themselves, whereby to form a state conformable to your judgment rather than to take the constructions, comments, glosses and colorings of either party,) every leisure hour until the 2d of January, was taken up in procuring a knowledge of the letters, &c., necessary to be forwarded on this occasion, in addition to what was already ordered. Which being summed up in a resolution, I moved it, seconded by Mr. Collins; and the yeas and nays being called, various manœuvres were tried to prevent its effect, but in vain, until I was surprised by a motion to transfer the motions with the subsequent proceedings to the Secret Journals, which was carried, although the motion did not, upon a scrutiny, contain any thing under injunction of secrecy, nor relate to any matter pointed out by the Articles of Confederation as the subjects of those journals. It would have given me great satisfaction to have been able to forward a resolve, the purport of No. 4; but of this, by the proceedings above mentioned, I am prevented.

Discouraged from a further trial, Mr. Howell set out to return on the 6th inst. Although by these matters his stay has been protracted about two weeks, yet I cannot doubt but your Excellency and the Honorable Assembly will be with me in opinion, that the time has been spent in discharging a duty and for the honor and interest of the State. Thereby a capital and I hope a fatal stroke has been given to a system, which had it prevailed, I have no doubt, would either have involved the country in fresh and unexpected scenes of distress, or terminated in the destruction of the liberties of the states, as established by confederation. And I am persuaded by the convictions which already appear, similar attempts will not soon be made in Congress to infringe the rights of a member of their body.

No official intelligence is yet arrived of the evacuation of Charleston, but it seems now beyond a doubt, to have taken place. This is the only important news, and on which please accept my congratulations.

I have the honor to be, with the greatest respect,

Your Excellency's very humble servant,

JONATHAN ARNOLD.

MESSRS. COLLINS AND ARNOLD TO GOV. GREENE.

PHILADELPHIA, Feb. 4th, 1783.

SIR: — Since the departure of Mr. Howell, Congress has been principally employed in attending to complaints contained in an memorial from the officers and army, and devising means for their relief and satisfaction; and in investigating means to restore public credit, by satisfying the demands of the public creditors; the importunities of both having become very urgent.

Upon the first, the committee have reported, that such payment as the state of the Federal Treasury will admit, shall be immediately made,—which is agreed to. They further reported, that the arrears of pay, &c., should be adjusted and settled, and public securities bearing an interest of six per cent., issued for the payment of the balance due. That the officers should be at liberty to commute for half pay, by the amount of a certain term of years whole pay, for which they shall receive certificates, on interest, payable annually. These propositions have had several partial descriptions, but are yet undetermined.

With respect to half pay, our instructions bind our votes, and as the proposed commutations is a change in form and in name, rather than in nature and substance, we shall oppose it. A proposition is intended to be made for referring the officers to their respective states for compensation, in such manner as they shall think fit and agree to with them, and whereby they will be at liberty to consider the length of services, and particular merits of each—but this, we have no hopes, will succeed at present.

This is an affair which greatly embarrasses Congress. The officers consider their resolution as a solemn contract, and declare a faithful and painful performance, on their part. The advocates for complying with their demands urge, in addition thereto, that that resolution passed at a most critical juncture, when it was the only expedient left, to prevent the dissolution of the army. That the national faith hath been committed past recall. That an attempt to abridge them in their expectations, would not only be dishonorable, but dangerous, &c., &c.

When anything is offered against the principle, and the sense of the Legislature and people of Rhode Island declared, we are extremely mortified to be told that the State is foreclosed from any opposition at this day; that their consent has been once given fully and absolutely in favor of half pay, and that it is too late now to make objections, or declare what are the present opinions of the State on the subject, and the Journals of Congress are produced to show that Gen. Cornell had committed the State, by giving their vote in favor of that measure, &c., &c., &c.

We shall, however, continue on the ground our instructions place us, unless different advice and direction should render a change necessary.

The mode for obtaining a general estimate throughout the states, now an object of great attention, and considered as a preparatory step to the means of restoring public credit, has been under consideration of a grand committee who reported to Congress; afterwards the House formed itself into a committee of the whole, and several days have been spent thereon, but it is not yet completed. In our next, we hope to be able to enclose the result.

These matters ended, it is expected the propositions for an impost will be

again renewed. From the variety of opinions which have lately been thrown out on that subject, it is presumed it will make it its appearance in a form and upon principles materially different from the former recommendation on that subject.

The treaty of amity, commerce, &c., between the United States and the United Netherlands, contained in the papers herewith enclosed, has been ratified by Congress, and copies duly authenticated, sent off to be exchanged.

No foreign letters have, of late, arrived.

We have the honor to be, with the highest respect,

Your Excellency's very humble servants,

JOHN COLLINS.

JONATHAN ARNOLD.

P. S. — My last letter of public import, and which related particularly to the proceedings of Congress towards my late colleague, Mr. Howell, it is the wish of Congress should at present remain a secret with the Assembly. I have, therefore, to request it may be read in a clear house, as is customary on such occasions.

This day an address from Gov. Chittenden was read, containing animadversions on the conduct of Congress towards the territory of Vermont,—which was committed.

JONATHAN ARNOLD.

EZEKIEL ARNOLD TO GOV. GREENE.

PHILADELPHIA, Feb. 12th 1783.

SIR :—We are this moment in a committee of the whole, at work upon the affairs of impost. Nothing is yet completed, to inform you of. I was in hopes, by this post, to have been able to have transmitted the mode for obtaining a general estimate, but after many days of agitation, by doing and sending, it is yet unfinished. As I conceive it a matter of vast import, I shall lose no time in forwarding it when a final decision thereon shall have taken place. As to the impost, it appears to me most probable it will be recommended anew, with some very material alterations; but yet, so as that very strong objections will lie against it.

My health, for the week past, has been such, that nothing but the most absolute necessity could have induced me to go out of my quarters; but when matters of such consequence were on the tapis, I should have held myself inexcusable, to have been absent, and the State thereby unrepresented, though by such exertions I have not had all the satisfaction which I wished. Enclosed are returns from the register's office, of a general view of expenditures and receipts of moneys to December, 1781. Shall, if health per-

mits, write you a public letter by your brother, who is well and expects to be on his return in the next week.

I have the honor to be, with great respect and esteem,

Your very humble servant,

JONATHAN ARNOLD.

During the February session of the General Assembly, the following resolution was passed :—

VOTED AND RESOLVED, That William Ellery, Esq., Col. Henry Sherburne and Jonathan Hazard, Esq., be a committee on the letters of the delegates at Congress, relative to the proceedings of Congress respecting the conduct of David Howell, Esq., as a delegate from this State in Congress, and to draft a letter to Congress on that subject, and a resolution expressive of this Assembly's approbation of the conduct of the said David Howell.

This committee, Mr. Thomas G. Hazard being substituted in the place of Col. Sherburne, made the following report at the same session :—

This General Assembly having fully considered a letter from His Excellency, the President of Congress, dated January 16, 1783, with its enclosures, and the other letters and papers laid before them respecting the conduct of David Howell, Esq., a delegate to Congress from this State, do resolve—

1. That the motion containing a declaration and protest made by Mr. Howell and seconded by Mr. Arnold, as entered on the Journals of Congress of the 18th day of December, 1782, appear to be just, true and proper, and that this General Assembly do highly approve of the conduct of their delegates in making said motion, declaration and protest.

2. That the extracts of letters from the Secretary for Foreign Affairs, laid before this General Assembly, do fully justify the representations made to this State by its delegates in regard to the success of the late applications of Congress for foreign loans, and in regard to our credit and reputation in Europe.

3. That this General Assembly entertain a high sense of the meritorious services rendered to the State and to the cause of freedom in general by the firm and patriotic conduct of the said delegates, particularly in their strenuous exertions to defeat the operation of measures, which the State considered dangerous to the public liberty.

4. That his Excellency, the Governor of this State return an answer to the aforesaid letter of his Excellency the President of Congress, enclosing a copy of these resolutions. And the premises being duly considered,

IT IS VOTED AND RESOLVED, That the foregoing resolutions be, and the same are, hereby approved, and that they pass as resolutions of this Assembly.

Nor were these proceedings of Congress the only means resorted to, to convince this State, or to coerce from it a grant of the five per cent. impost. Thomas Paine, whose political writings had gained him a high reputation as an ingenious powerful writer, published a series of communications, commencing as early as November 27th, 1782, in a Philadelphia paper, over the signature of "A Friend to Rhode Island," in reply to other articles in the same paper over the signature of "A Citizen of Rhode Island" and "A Countryman," of which Mr. Howell was the supposed author. Mr. Paine's first communication appeared afterwards in the *Providence Gazette*, of the 21st of December, and was followed by five others over the same signature, between that date and the 5th of February. He came to Providence and remained some time while publishing these articles and others probably, in the *Gazette* and other Rhode Island newspapers. The writers who opposed him were not few in number or wanting in abilities. Mr. Howell among them, defended his original positions and assailed his opponent with a solidity of reasoning and a keenness of sarcasm that induced the very general impression that Mr. Paine had met with more than his equal in newspaper controversy. Congress had almost made a martyr of Mr. Howell, but not having fully succeeded in the attempt, they had increased his popularity and influence, both in Rhode Island and elsewhere. Mr. Paine, though aided by the talents of Hamilton, Madison and other leading men in and out of Congress, could effect no change in the sentiments of Rhode Island. In Virginia, the discussion

growing out of the dissent of Rhode Island, wrought an unlooked for change. That state had assented to the grant of the five per cent. impost, but before the 24th of December, her legislature repealed their act of assent. This being communicated to Congress, gave a death blow to the hope of its being ever perfected by the assent of all the states. Congress then

RESOLVED, That the deputation to Rhode Island be, for the present, suspended, and that a committee be appointed to report such further measures as it may be proper for Congress to take upon the subject at large.

The proceedings of this State in relation to the five per cent. impost, were in perfect accordance with her political creed, published in May, 1776, and reiterated in October, 1782. The grant in the terms proposed, interfered very materially with "the internal police and conduct" of State affairs; for the impost proposed, was to be collected within the State by officers not appointed by its authority and not under its control.

The discussion of State rights, which grew out of it, confirmed the citizens of the State in their original creed. The arguments of Mr. Howell in favor of these rights, acquired greater force from the apparent attempt in Congress to put him down because of his opinions honestly and earnestly expressed. If the grant had been assented to by all the states, beyond doubt the old Congress of the Confederation would have added years to their existence. Inherently weak as they were, and insufficient for the states in a time of peace, they would with this means of filling their treasury and bolstering up their credit, have continued the constitution of the states until a much later period. Might they not, under these circumstances, have so prolonged their existence as to have endangered a change for a more solid system of government? In a few years after the establishment of peace, the rivalry

and jealousies of states would have increased and multiplied and rendered impossible the compromises that led to the present Constitution of the United States. And on the other hand, is it not more than probable that the state right doctrine so eloquently urged by Mr. Howell, inflamed and gave strength to the prejudices which imbued a majority of the citizens of Rhode Island to oppose that Constitution, when it was proposed for their acceptance?

The inhabitants of "the New Hampshire Grants," so called, as early as June, 1777, petitioned Congress to be received and acknowledged as an independent state, under the name of Vermont. The application was opposed by the states of New Hampshire, New York, and Massachusetts, each of which claimed jurisdiction over parts of the territory described in it. Notwithstanding their opposition, the inhabitants of the Grants established a separate and independent government. Some of the individuals that resided within the new state, refused submission to the laws established by it, claiming to be citizens of some one of the other states. The subject came before Congress in various forms, at various times. On the 24th of September, 1779, finding that the troubles between the inhabitants of the Grants and the states claiming the territory, were likely to endanger the peace of the Union, they recommended a reference of all matters in dispute to them, at the same time declaring it the duty of the people of the Grants and of the states claiming the territory, not to attempt any control over such of the inhabitants as denied them authority. In June, 1770, the inhabitants of the Grants were strictly required to forbear the exercise of any authority over persons claiming to owe allegiance to either of the states opposing their organization as a state. Mean while, Congress were proceeding to issue the matters in controversy. But on the 5th of December, 1782, premising that the people of Vermont had assumed to exer-

cise jurisdiction over persons residing within their lines, who claim to be citizens of the state of New York, Congress resolved that such proceedings were highly derogatory to the authority of the United States, and dangerous to the Confederacy, and that they would take effectual measures to enforce a compliance with their resolutions of September 24th, 1779, and June 2d, 1770.

The delegates of Rhode Island favored the recognition of Vermont as a state, and voted against the resolution of December 5th, 1782. At the session of the General Assembly, held in February, 1783, the delegates the following instructions on this subject: —

1. That they endeavor to procure a repeal of the resolves of Congress against the people of Vermont, passed the 5th of December last.

2. That they join in no compulsory measures, militating with the independence of that people, so long as they continue well affected to the interests of the United States.

3. That they promote and concur in measures to obtain a final declaration of Congress in favor of the independency of that people, to which, it is conceived by this State, they are entitled in virtue of their having complied with certain resolves of Congress, passed on the 7th and 20th of August, 1781, relative thereto, as well as other considerations :

PROVIDED, They will, by their delegates, assume on themselves an equitable proportion of the national debt already incurred, and become a part of the Federal Union, by subscribing the Articles of Confederation.

The resolutions of the 7th and 20th of August established certain boundaries for the state of Vermont, the acknowledgment of which it was declared should be an indispensable preliminary to the recognition of their independence.

So much of the proceedings of Congress on this subject are given as was necessary to elucidate the foregoing instructions. If the instructions were followed, no immediate benefit resulted therefrom to the embryo state of Vermont. She was not admitted into the Union, until March, 1791, after the adoption of the Constitution of the United States.

cise jurisdiction over persons residing within their lines, who claim to be citizens of the State of New York. Congress resolved that such proceedings were highly derogatory to the authority of the United States, and dangerous to the Union, and that they would take effectual measures to enforce a compliance with their resolutions of September 2nd, 1777, and June 22, 1778.

The delegates of Rhode Island favored the recognition of Vermont as a state, and voted against the recognition of December 2nd, 1777. At the session of the General Assembly, held in February, 1778, the delegates the following instructions in this subject:—

1. That they should take effectual measures to enforce Congress against the people of Vermont, to obey the 10th of December act.
 2. That they should take effectual measures to enforce the compliance of that people, with the act, and should not be satisfied with the compliance of the United States.
 3. That they should take effectual measures to enforce the compliance of Congress, in the recognition of the State of Vermont, as a sovereign by the United States, and should not be satisfied with the compliance of the United States, in the recognition of the State of Vermont, as a sovereign by the United States.
- Resolved, That the delegates should take effectual measures to enforce the compliance of the people of Vermont, to obey the 10th of December act, and should not be satisfied with the compliance of the United States.

The resolutions of the General Assembly of Rhode Island, certain boundaries for the State of Vermont, the compliance of which it was required, should be a preliminary to the recognition of that State as a sovereign.

So much of the proceedings of Congress, in the matter are given as was necessary to enforce the compliance of the people of Vermont, to obey the 10th of December act. If the instructions were followed, a preliminary to the recognition of the State of Vermont, as a sovereign by the United States, would be a preliminary to the recognition of the State of Vermont, as a sovereign by the United States.

MESSRS. COLLINS AND ARNOLD TO GOV. GREENE.

PHILADELPHIA, March 19th, 1783.

SIR :— Enclosed we send you the Articles of Peace stipulated between the Ministers of Great Britain and our Ministers, not to be concluded until peace takes place between Great Britain and France.

We fear peace is not so near at hand as we would wish.

Nothing material has been concluded in Congress, since our last. We shall not omit forwarding to you anything requiring your notice.

We are, with great respect,

Your Excellency's most obedient, humble servants,

JOHN COLLINS,
JONATHAN ARNOLD.

PHILADELPHIA, March 28th, 1783.

SIR :— In my last, I had only to inform your Excellency that the preliminary articles for a peace had been agreed to between the ministers of the United States and those of his Britannic Majesty. I have now the pleasure of presenting my congratulations upon the arrival of undoubted intelligence that preliminaries had been agreed to by all the belligerent powers, and that the definitive treaty for a general peace is momentarily expected.

I had just time, per the last post, to forward two papers, under cover, to Gov. Bowen, containing a summary of the principal articles, together with the orders of the Count d'Estaing for a cessation of hostilities by sea, one of which I requested him to forward immediately to you. The consequent resolves of Congress will be forwarded by the Secretary of Foreign Affairs. Two days before the arrival of this intelligence, Congress passed a resolution, of which the enclosed is a copy. The late uneasiness which arose in the army upon the return of their committee from Congress, artfully excited, as is supposed, by some insidious enemy, and which in its first appearances threatened a general mutiny, but which, by the prudence and wisdom of their illustrious General, terminated happily, and much to the honor of the officers, I have no doubt tended to precipitate that resolution. Every effort was made to obtain a reference of the officers to their respective states for compensation, but in vain. Whilst acting against that measure, I was happy in possessing sentiments coinciding with the instructions of my constituents, and to believe those instructions were founded in the most worthy motives, of guarding against the violation of the constitutions of the states, and the preservation of the rights and privileges which those constitutions secured and which, it was feared, would be endangered by such an establishment.

The affair of a general impost, which has engrossed a great deal of time since the commencement of the present year, is yet incomplete. I had flattered myself that the arrival of the intelligence of peace would put a stop to the proceedings, as thereby the formidable plea of necessity would be in a measure superseded, and as it could not be doubted that the states, when eased of the immediate expense of prosecuting the war, and enjoying unmolested the advantages to be derived from agriculture and commerce, would be able to draw out their resources timely and sufficient to answer the necessary and constitutional requisitions of Congress, for the support of the federal government, and for the satisfaction of the creditors of the public. But in this I was mistaken. Ideas of the necessity of forming a general system of finance, which will throw a share of the power and strength of government now held by the states, into the hands of Congress, seems in the minds of some to prevail over every other consideration, and it appears that nothing will give satisfaction but to send out the impost, differently modified, for another trial among the states. I shall now feel little uneasiness for its fate, from a confidence that the wisdom of the states is fully apprized as to its consequences.

No intelligence on which I can rely has been received of the doings of the Assembly, at their last session. The last post brought me neither letters nor papers. I wish for the earliest information with respect to every matter which may be designed for my attention or direction.

With the greatest respect, I have the honor to be

Your Excellency's very humble servant,

JONATHAN ARNOLD.

To his Excellency Gov. GREENE.

As suggested in the foregoing letter of Mr. Arnold, the "impost differently modified," was agreed to by Congress on the 18th of April, 1783. Congress then,

Recommended to the several states as indispensably necessary to the restoration of public credit and to the punctual and honorable discharge of the public debts, to invest the United States or Congress assembled, with a power to levy for the use of the United States," specified duties on certain enumerated articles and five per cent. ad valorem on all other imported goods, to be applied "to the discharge of the interest or principal of the debt contracted on the faith of the United States, for supporting the war," to be collected in each state by officers appointed by state authority. The grant to continue for twenty-five years, unless said debt should be sooner paid. And further, that each state should appropriate substantial and effectual

revenues for the term of twenty-five years to supply means of paying their respective proportions of one million five hundred thousand dollars yearly, exclusive of the aforementioned duties, towards the principal and interest of the said debt of the United States, to be collected in each state by state officers, but to be carried to the separate credit of the states where collected. The quota of Rhode Island was fixed at thirty-two thousand three hundred and eighteen dollars. These provisions to take effect when assented to by all the states.

And as a further means of extinguishing said debt as well as of establishing the harmony of the states, it was recommended to the states holding or claiming unoccupied western lands, to make liberal cessions of the same.

And further it was recommended to the states so to amend the Articles of Confederation, that all charges of war and other expenses incurred for the defence of the states, or for the general welfare, should be borne by the states in proportion "to the whole number of white and other free citizens and inhabitants, of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes, in each state," instead of "in proportion to the value of all land within each state granted or surveyed for any person, with the buildings and other improvements thereon," as provided for in the Articles of Confederation. There were but three delegates in Congress who voted against this proposal; two of whom were the delegates from this State, and the other, Mr. Hamilton, of New York. A committee, consisting of Messrs. Madison, Ellsworth and Hamilton, was appointed to prepare an address to the states, to accompany these recommendations. They reported on the 24th the form of an address which Congress then adopted. It contained an earnest appeal to the states to adopt the recommendations of Congress as the most feasible plan of restoring public credit, and confidence, and harmony among the states.

MESSRS. COLLINS AND ARNOLD TO GOV. GREENE.

PHILADELPHIA, April 23d, 1788.

SIR : — Congress, on the 18th instant, completed their resolution for recommending to the several states to pass laws for granting an impost, an excise, and to change an article of the Confederation,—a copy of which we do ourselves the honor to enclose.

To produce this, in its present form, has been a work of time. It has engaged the attention of Congress, chiefly, since the commencement of the year. Every thing has been suggested and done to endeavor to take off the objections, and render it palatable to the several states, which could be done consistently with a fixed determination of preserving to Congress a power to collect and appropriate the revenues. The latter is restrained to particular objects, and the whole limited as to time.

It would have been less exceptionable to us, had the officers for collecting the revenue been under the control as well as the appointment of the State. And we conceive the appointment of officers for twenty-five years incompatible with the constitution of the State, which requires all officers to be chosen annually. We are also at a loss to reconcile the idea of appointing officers, which when made, immediately become independent of their makers, with the principles of liberty. But we are happy that it will be submitted to the consideration of an Assembly, whose deliberations on former occasions have been marked with wisdom, and have discovered a thorough knowledge of their constitutional rights, as most striking and honorable testimony of which, we appeal to the difference between the present and former resolutions on this subject.

If it should be the opinion of the Assembly to adopt the resolution generally, we take the liberty to mention that a deviation, so far as relates to the control of the officers, may be made, with a probability of its being acquiesced in by Congress ; and if this was to be done in the New England states, it would be a good additional guard to the rights of the states,—a matter of the highest importance, and which requires to be kept in constant view.

During the time the resolution was maturing, a land tax of 6s. 3½d. per hundred acres was proposed and much contended for, to make a part of the act, but it met with such warm opposition from the western and largely landed states, as prevented its being inserted, and the delegates from some of them explicitly declared that they never would consent to a land tax of any kind, but what should be to their own separate advantage.

The affairs of the western lands is a subject which begins to force the attention of Congress. Memorials for grants have been already presented,

and it must be necessary, therefore, soon to ascertain the line between the United States and the individual states. Virginia yet continues her tender to cede the land north of the Ohio, with some restrictions and conditions. And we expect Congress will accept it. The Massachusetts and Connecticut states will be again addressed on the subject of cessions; and also the Carolinas. Georgia is curtailed by the treaty in favor of Spain, so as to be able to spare little or none of her territorial claim.

The definitive treaty has not yet arrived. Several matters are before committees relative to arrangements which are deemed necessary to adopt upon its arrival, particularly the forming of treaties with the Indians, (who have lately been troublesome on the frontiers, and have killed and taken about thirty of the inhabitants near Fort Pitt,) and the fixing of military and naval establishments during a peace. This last is a very important matter, and of which we shall give the earliest advice, as soon as the report is given in.

The disbanding of the army is a matter of great consequence. Those enlisted during the war, are already impatient to be discharged. The want of money in the public treasury to satisfy their moderate claims on being discharged, is a perplexing circumstance, and throws Congress into a very disagreeable dilemma, and must cause them unavoidably to incur very considerable extra expenses.

However, we have reason to rely on the wisdom and goodness of that directing hand, which has hitherto led through every gloom, removed every difficulty, and at length crowned our efforts and our wishes with Liberty and Independence, to guide and direct us through the present puzzling mazes in which we are involved.

We are, with the highest respect,

Your Excellency's very humble servants,

JOHN COLLINS,

JONATHAN ARNOLD.

In May, 1782, the session of Congress was held in Philadelphia, and there continued until May, 1783.

John Hanson, elected President in November, 1781, continued to preside over their deliberations until the assembling of the new Congress, November 4, 1782, when Elias Boudinot, a delegate from New Jersey, was elected President.

Messrs. Ellery and Cornell were present in Congress until June 7, 1782, when Mr. Howell took the place of Mr. Ellery.

Mr. Cornell presented a certificate of his reëlection June 11, and remained at his post until Mr. Arnold took his seat, October 10. Mr. Howell had leave of absence December 12, on which day Mr. Collins appeared.

While Mr. Cornell was in Congress his services were required on many committees. One committee, of which he was chairman, appointed to consider and report the most just and practicable means of reducing the expenditures of the United States, made several reports at different times between July 11, and September 3, regulating the fees and pay of many officers, which were adopted by Congress. The influence of Mr. Howell in Congress was greatly affected by the proceedings which have hereinbefore been given. It would also seem that the other delegates from this State lost influence from the same causes. They were also charged with many matters of private interest, requiring much labor at their hands.

The Journals of Congress under date of March 24, mention the receipt of a letter from the Marquis de Lafayette, dated February 5, announcing a general peace.



CHAPTER IX.

1783 TO MAY, 1784.

WILLIAM ELLERY. Jonathan Arnold, David Howell, and Henry Marchant elected Delegates at the General Election in May—Resolutions of the General Assembly—Instructions—Correspondence between Delegates and the Executive—Sessions of Congress—Washington's Resignation of Commission as Commander-in-Chief of the Armies of the United States—Review of the Labors and Influence of the Delegates from Rhode Island.

At the general election in May, 1783, William Ellery, Jonathan Arnold, David Howell, and Henry Marchant were elected delegates to Congress for one year, and until others should be elected in their stead.

The following resolutions were passed at the same session of the General Assembly :—

IT IS VOTED AND RESOLVED, That William Ellery and David Howell, Esqs., be requested to proceed to Philadelphia, to take their seats in Congress, as delegates of this State ; that they each be empowered to draw the sum of two hundred dollars out of the General Treasury, for defraying their expenses, and that they be accountable for the same.

IT IS FURTHER RESOLVED, That the General Treasurer transmit to Jonathan Arnold and John Collins, Esqs., each, two hundred dollars for defraying their expenses, and that they be accountable for the same.

At the same session, the following letter from Gov. Greene to the delegates was approved by the General Assembly :—

STATE OF RHODE ISLAND, &c., May 10th, 1783.

GENTLEMEN : — You will recollect your instructions from the Legislature of this State, to oppose the allowance of half pay to the officers of the army, and I doubt not your exertions therein have been directed by your zeal for the public good and the wishes of your constituents.

I am now requested by the General Assembly to signify their pleasure, that you make up all the measures in your power to obtain a repeal of the late resolution of Congress for allowing the amount of five years' whole pay to the said officers, in compensation for their half pay. The leading inducements to this determination are, that the Articles of Confederation make no provision for appropriations of money to such purposes ; and, therefore, the resolution cannot be effectual, without the acquiescence of the respective legislatures. The General Assembly of this State cannot comply with a requisition of this kind, because the measure tends to a military establishment in time of peace ; is unequal in its application, as no regard is had to the time of service ; is unjust in its operation, as the states that have raised the greatest proportionate number of soldiers, with the smallest number of officers, will be the greatest sufferers, and because, the sum to be paid will amount to much more than the purchase intended. This State will be ever ready to do ample justice to their officers when application shall be made for that purpose, to the utmost of their abilities, provided their claims are founded in equity.

I am, gentlemen, with esteem, &c.,

WILLIAM GREENE.

MESSRS. COLLINS AND ARNOLD TO GOV. GREENE.

PHILADELPHIA, May 28th, 1783.

SIR : — We have to acknowledge receipt of your Excellency's letter of the 10th instant. From principle as well as to comport with the sense of our constituents, we should not fail to embrace the first and every favorable opportunity to obtain the repeal of a resolution, so repugnant in its spirit, (and operation, if carried into effect,) to those principles, which form the basis of our Federal Constitution, and which we believe would never have existed, had the delegates of every state pursued the instructions, or general wishes of their constituents.

But the present time is unfavorable to attempt it. New Hampshire is unrepresented, and their delegates have ever been hearty in opposition to it. Connecticut's delegation is not yet changed, which we have reason to hope would be a change in our favor. Those states, together with New Jersey and Rhode Island, were the only ones which ever acted against such

a measure since our being in Congress. There have been for some time past, but eight states represented. This confines the business to a very narrow circle, as a principal part of it, which should now engage their attention, requires the voices of nine states.

We have had no late advices from Europe; our last gave encouragement of the completing of the definitive treaty some time in April.

With the highest respect for your Excellency and the Hon. Assembly,

We have the honor to be your very humble servants,

JOHN COLLINS,
JONATHAN ARNOLD.

On the 4th of September, 1782, Congress apportioned to the states the sum of one million two hundred thousand dollars, for the payment of the interest of the public debt. The quota of this State was twenty-eight thousand eight hundred dollars. The General Assembly at its June session, 1783, resolved that that sum should be appropriated, being part of a tax of twenty thousand pounds ordered at that session, "to the payment of the interest on the Loan Office certificates and other liquidated debts of the United States, agreeable to resolves of Congress."

The General Assembly, at their session in February, 1784, passed the following resolutions:—

IT IS VOTED AND RESOLVED, That the sum of three hundred dollars be advanced out of the general treasury to each of the delegates of this State, now at Congress, on account of their services and expenses.

IT IS FURTHER VOTED AND RESOLVED, That they be, and they are hereby instructed to use their influence to obtain a recess of Congress, as soon as the national business will possibly admit.

IT IS FURTHER VOTED AND RESOLVED, That the said delegates request of Congress, that they adjourn and convene at Rhode Island in the course of the next year, or as soon as may be convenient; and that Congress be informed that if the said request shall be acceded to, this State will prepare suitable buildings for their accommodations.

At the same session, they requested his Excellency the Governor, to issue a proclamation, that the definitive articles

of peace between the United States of America and His Britannic Majesty, have been signed and approved, and ratified by Congress.

MESSRS. ELLERY AND HOWELL TO GOV. GREENE.

PRINCETON, September 8th, 1783.

SIR : —Although the definitive treaty of peace has not yet arrived, yet the latest intelligence from Europe warrants a full confidence in the good state of our affairs.

A treaty of amity and commerce has been lately ratified in Congress, betwixt the United States and the King of Sweden. This treaty was concluded at Paris, on the 3d day of April, 1783, and is of the same tenor with those entered into with France and Holland.

His Danish Majesty has directed his minister, residing at Paris, to enter into a negotiation with the minister of the United States respecting a treaty of amity and commerce. The Emperor of Morocco has sent an envoy to Paris for the express purpose of establishing an intercourse and friendship between the United States and those on the coast of Barbary. It is hoped that beneficial consequences to the trade of the United States in the Mediterranean, will result from this measure.

The Elector of Saxony has also discovered his good disposition towards the United States and readiness to establish a permanent friendship with us.

By a letter from Mr. Carmichael, dated Madrid, March 13th, it appears that he has been at length received at that Court in his public character as Charge des Affaires, in the absence of Mr. Jay, and has had the honor of dining with the Corps Diplomatique, at the table of the Count de Florida Banca. By a letter from Mr. Laurens, dated London, June 17th, 1783, it appears that Mr. Hartley was not, in fact, clothed with any power to conclude a treaty of commerce with us. His object seems to have been only to sound the minds of our ministers and to make report. The British aim to obtain some preference in our trade ; but we trust they will be disappointed, for it is the policy of Congress to be at amity and to have a free trade with all the world. The system of the British is so extensive and complicated, that it is not easy to see how all its branches will be affected by the independence of this country, nor to form the arrangements necessary on their part to secure themselves, so far as practicable, in a treaty of commerce with us. They have clothed their King in Council with a sort of discretionary power for opening trade with us, and mean to take time to judge of measures by their operations.

By a letter from Mr. Dana, dated from St. Petersburg, April 28th. 1783,

it appears that he has not been received at that Court in his public character. On receiving intelligence of the signing of the preliminary articles of peace betwixt the Courts of London and Versailles, whereby the provisional articles betwixt Great Britain and the United States took effect, Mr. Dana presented a memorial to his Excellency the Count de Osterman, Vice Chancellor of Her Imperial Majesty; the only result was to draw out the objections of that court to his reception. The Count informed him that Her Imperial Majesty could not, consistent with the strict principles of neutrality, which she had prescribed to herself, receive a Minister from the United States unless his letters of credence bore date subsequent to the recognition of their independence by Great Britain, and subsequent to the reception of an American Minister at the Court of London; and subsequent also, to Her Imperial Majesty's acknowledging their independence.

To these very extraordinary objections Mr. Dana replied in substance, that to issue new letters of credence to him, would go to annulling all our acts of sovereignty in the course of the war, and all our treaties, and would in fact, be a confession that we held our independence as a grant from the Crown of Great Britain, or as a stipulation in the treaty of peace, a confession most humiliating and disgraceful to the United States, and which our affairs by no means require. We are not as yet acquainted with the effect of this reply.

The perusal of the letters and journals of our Ministers Plenipotentiary at Paris, during their negotiations for peace, have afforded great satisfaction, and fully convinced us of the skill and abilities, as well as integrity with which our most important political affairs in Europe have been conducted. It is greatly to be wished, that on a general settlement of our accounts in Europe, our pecuniary transactions may do equal honor to the parties concerned therein. It is in contemplation to reduce the number of our servants in Europe immediately after the arrival of the definitive treaty. A Minister at the Court of Versailles, and another at the Court of London, with a competent number of consuls in the principal marts of trade in Europe, will, in our opinion, answer every desirable purpose.

Since the adjournment of Congress to this place, little business has been done. This may be ascribed, partly to the confusion necessarily following such an event; but principally to an incomplete representation from the states. Sometimes Congress has adjourned for want of seven states. Nine are seldom on the floor at once. According to confederation, nine states are necessary in most business of importance, and unanimity is scarce to be expected in resolves that require either seven or nine states.

It may be thought uncandid to suggest that the incomplete representation in the house has been owing to the reluctance of certain persons to do busi-

ness here ; but it is a fact that the states of Pennsylvania, Delaware and Maryland, have been frequently unrepresented. New Hampshire and Georgia have not been represented since we took our seats in Congress.

The state of New Jersey has some good claim to the great prize, whether you consider its situation, which is nearly in the centre of the population and wealth of the United States, the decided part she has taken in the late war, together with her republican principles and manners, or the healthiness of the climate. The state has been informed that the 4th day of October next is assigned for fixing on a suitable place for the permanent residence of Congress. Your delegates could have wished for particular instructions on this question, which is of importance not only to the present but to future generations.

As New Jersey is not calculated for extensive trade and commerce, the probability is that she will the longer persevere in those economical manners, a departure from which so necessary follow the excessive riches and luxury of commercial states. Her comparative smallness, too, will forbid all jealousy of her extending any dangerous influence into the great national council. It may be also observed in favor of this very spot where we are cast, without any premeditated design in human counsels, that it is remarkably high, commanding, and healthful ; that it is situated at about an equal distance from the navigable waters leading to the great cities of New York and Philadelphia ; and that its central position betwixt those great cities, which hereafter may be the heads of two different interests, will prevent either of them from a prevailing influence in the national councils, and thus destroy those seeds of discord which, in time, might sprout and endanger the public safety.

It not being probable that seven states will soon agree in any one place for the permanent residence of Congress, your delegates flatter themselves that there will be time enough for them to receive your instructions on that head, before it will be determined, and wish only to submit the foregoing observations for consideration.

His Excellency Gen. Washington is yet attending at Congress. Their addresses to him on his audience points out the principal object for which he was requested to attend. It has been made a question whether any, and what powers are vested in Congress by the Confederation, for making and supporting a peace establishment.

Since the arrival of the preliminary articles, much time has been spent on this subject. It has been under the consideration of a committee, and a long and a learned report has been made. As this report has not been acted upon, we beg leave to refer you to our friend and colleague, Mr. Arnold, for the particulars of which it consists, the principles on which it is grounded, and the objects to be thereby obtained.

The Committee appointed to confer with the Commander-in-Chief on this subject, have had an interview with him, but as yet have not reported.

In the opinion of your delegates, if such power in Congress should be thought necessary for the good of the Union, it is yet to be asked for and obtained of the particular states. It is much to be regretted that this application had not accompanied that for an impost, especially as they seem so naturally connected, the impost being necessary to pay off the standing army, and the standing army being so necessary to secure an effectual collection of the impost. It is unhappy that the principles of the Confederation are not more attended to. The power of levying and collecting moneys from the citizens of these states by taxes, or imposts and excises, is retained in the several states and not vested in Congress, as will appear by the fourth, sixth, eighth, and ——— articles of the Confederation, but Congress has discovered a persevering disposition to take this power out of the hands of the particular states and to exercise it themselves. No power is given to Congress to keep up a standing army in time of peace. On the contrary, the military force, if any, in time of peace, is to be under the direction of the particular states. Congress has only the power of checking them in this respect, and of determining the quantity of force, the number of ships and garrisons which the states shall not exceed; but Congress is not to have the command of that force, nor of those ships, or garrisons; nor are they to be kept up and supported at the general expense. For the verification of these positions, we appeal to the fifth article of Confederation.

Had the power in question been vested in Congress, from the nature of it, they would have been the sole judges of the exercise of it, and nothing but their own moderation, or the want of funds to defray the expense could restrain them from the most dangerous use of it. They might augment a standing army from two to four, or to forty thousand men, at their pleasure, to over awe an uncomplying state, to enforce an impost or to obtain an excise.

It ought further to be observed, that the provision in Confederation is not only grounded on the danger to be apprehended to the particular states from a military power in the hands of Congress in time of peace; but it is also grounded on substantial principles of justice. For may it not be demanded with the greatest propriety, why the states of Rhode Island, New Jersey, or Delaware, should be at the expense of maintaining a chain of forts from Niagara to the Mississippi to secure the fur trade of New York, or the back settlements of Virginia! *Qui sentit commodum sentire debet et onus*, is a maxim as good as it is old, and strictly applicable to this case. If indeed, the states pretending claims, though against all reason, to those vast western territories, would make cessions of such claims to Congress, a com-

mon interest therein might justify a common expense in protecting the trade and settlements of that country ; but until such an event, the states claiming those lands have no more right to charge the United States with the expense of protecting the inhabitants against the Indians, until a formal war shall take place, than with the expense of defending them against the wild beasts that may infest that country.

Agreeably to instructions, your delegates have embraced every opportunity to enforce the claims of the states to a proportionate share in the back lands. The subject has been before a committee, and a proclamation has been reported, prohibiting all persons from making settlements on lands without the limits or jurisdiction of the particular states, and from making purchases, or accepting cessions of such lands of the Indians, and declaring such purchases or cessions null and void. It is hoped that this proclamation will be agreed to and that it will prove useful. It will at least, be a setting up a title to some lands, and will very naturally bring on the question of the western limits of particular states. These limits may be ascertained two ways, either, first, by cessions of claims of particular states, which is most eligible in the form of the New York cession, which was accepted last year ; or, second, by a resolve of Congress limiting our guarantee to the particular state. The general guarantee contained in the second and third Articles of Confederation ought to have a reasonable construction, which is not to be made by the particular state, but by the United States in Congress assembled.

For example, should Georgia extend her claims southward or westward, so as to encroach on the Spanish territories, or should any state extend its claims to the injury of a neighbor, Congress being the dernier resort of justice in such cases, would undoubtedly determine how far they will guarantee to such particular state ; and also determine how far they will justify the particular state in extending their claims westward, and how far the arms of the United States shall vindicate such claims. Let the line of guarantee be determined, (and if the states should not speedily make liberal sessions, agreeably to the resolve of September 6th, 1780, it ought to be done,) and let a Continental Land Office be opened, states, counties and towns laid out, and it cannot be doubted that purchasers will appear. The public securities will be bought up, public credit revived, and no injustice done to any one. This latter mode of procedure would square with reason and justice, and not oppugn Confederation ; the former, however, would be preferable, as being most conciliatory ; and ought to be attempted. To this end it is proposed to send Virginia our objections to her cession and to demand her ultimatum. Could Massachusetts and Connecticut be prevailed on to make a liberal cession of their claims and throw all their weight into our scale,

every purpose might soon be obtained. Is not the subject of sufficient importance to justify an address to them from their sister states? The lands are actually settling with amazing rapidity. Now is the critical juncture to urge on this business. In the course of a few years the country will be peopled like Vermont. It will be independent, and the whole property of the soil will be lost forever to the United States.

A spirited memorial has lately been sent to Congress from the General Court of Massachusetts, against half pay or commutation, and against the high salaries of the civil list. They speak as plain a language as they formerly spoke to Great Britain. They fear that Congress, in some of their late grants of money, have not sufficiently attended to the public good, the rules of justice, and the spirit of the Confederation. They remind Congress that they inherit republican principles from their ancestors, and that it is necessary to attend to the voice and abilities of the people. They also complain of the old money's not being redeemed, and conclude by observing that these things have so exceedingly embarrassed them, that they have not been able to agree to give Congress the revenue they requested, by their resolve of the 18th of last April.

The policy of this address is very striking. They enumerate their grievances. They apply for redress, but they keep their purse-strings in their own hands. They do not grant the revenue, nor do they promise it even in case their present grievances should be redressed.

The power of withholding assent to the yearly supply bills, in the British House of Commons, is the most powerful check to the strides of prerogative. The Irish Commons avail themselves of this great privilege, and by it obtain redress.

Had the state of Massachusetts granted Congress the revenue they request, what would have remained in their hands to have given weight to their remonstrance against the commutation and high salaries, or against any other grievance? The experience of all ages evinces that interest and power too often prevail over reason and justice in the affairs of state. Gratitude, honor and humanity may obtain among individuals in social life; in political concerns, between states and kingdoms, they are ties too feeble to be relied on.

The history and fate of the impost of February 3d, 1781, are too well known to be repeated. The impost of April 18th, 1783, has not been passed on by the states; it is under their consideration. Some have partially complied, and one, viz., Pennsylvania, has resolved to comply, but has done no more. On the justice and policy of adopting that measure, your delegates beg leave to submit a few observations.

The power of the purse is the touch-stone of freedom, in all states. If

the people command their own money, they are free ; but if their sovereign commands it, they are slaves. All other strings in government take their tone from the mode of raising money. An alteration, therefore, in the mode of raising money, is an alteration of the Constitution. It is an essential and radical change. A change that, on experience, will be felt most sensibly. It cannot be an indifferent thing, or a matter of small moment. It is like altering the centre of gravity. It is like transferring the fee simple of an estate. It is like putting your weapon of defence into another man's hand.

The eighth article of Confederation, after prescribing a rule for ascertaining the proportion of taxes to be paid by the several states, viz. :—According to the value of lands, buildings and improvements, provides, that the taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states. But the impost of April 18th proposes “to invest the United States in Congress assembled, with a power to levy, for the use of the United States, the following duties upon goods,” &c. A compliance herewith will therefore transfer this power to levy money from “the legislatures of the several states,” to the “United States in Congress assembled.” The importance of this transfer cannot be too maturely considered. The consequence of this radical change in the constitution of this country cannot be too closely attended to. Let it be also observed that the million and a half called for annually, and for which credit is to be given to the particular state, is also “to be collected by persons appointed as aforesaid,” that is amenable only to Congress.

So that, in short, the states are called to give to Congress not only the sum of two millions four hundred and fifteen thousand nine hundred and fifty-six dollars annually, but also the power of levying and collecting the same from the citizens, by such laws and by such ordinance and by such servants as to the sovereign and uncontrolable will of Congress shall seem best, from time to time. For it is most clear that Congress will be clothed with full power to make and promulgate a code of criminal law to ensure the effectual collection of the moneys granted. They will have power to revise, amend, alter, enlarge, extend, or abridge their laws and ordinances from time to time, as occasion or the spirit of the times may require. And if a committee can report and get the report accepted, that the impost is “within the spirit of the Confederation,” and that “the power to borrow money,” which Congress undoubtedly has “by implication,” contains the power of levying it by an impost ; may not some future committee, equally ingenious, discover that the power to make penal law, by implication, contains the power to erect courts for the trial of offenders ; and may you not thus, in the event, see Continental taxes collected by Continental officers, under the laws of Congress, and offenders against these laws, perhaps, agree-

ably to the form of an ordinance already drawn up for that purpose by a committee of Congress, liable to be carried into any part of the United States for trial, and that before Continental judges appointed by Congress. Such in time might be the bitter fruit of this evil tree,—a Continental impost.

The State of Rhode Island, &c., is called on, agreeably to its assigned proportions, at least to clothe Congress with the power to levy and collect in the aforesaid manner, the sum of fifty-two thousand five hundred and twenty dollars, annually. If so much is to be raised in that little State under the authority and direction of Congress, it may be asked, how much in addition thereto can be levied and collected under the authority and direction of the Legislature of the State? The answer to this question is very obvious. Of what consideration or weight, then, will our General Assembly be in the Union, or even in the State, when they shall have divested themselves of the only power which makes them respectable, viz. : that of raising money from the people? Will they not degenerate below the grade of a mayor, aldermen and common council of a paltry borough? Will not, therefore, the General Assembly, in complying with the recommendations of the 18th of April, directly and to every intent of purpose, vote their own annihilation? Such a vote is not to be expected from freemen. The Assembly of Rhode Island too well understand the nature of the trust committed to them by the choice and confidence of the people, to abuse it by such a vote. Their power of taxing the people is delegated to them, and cannot be delegated to any foreign power, and such is Congress, in this point of view, as much as England or France. Nay, the General Assembly have an equal right to give Congress power to raise all the money to be raised from the people, as they have to give them power to raise so much. By the ninth Article of Confederation it is declared, that the United States in Congress assembled shall have authority "to borrow money, or to emit bills on the credit of the United States." Experience has given proof of the judgment and discretion with which emitting bills has been conducted. The multiplicity of officers, daily branching out in all the departments, together with their great salaries and perquisites, the profusion and even prodigality in the expenditure of the paper money with which the continent was deluged, convinced the world, that either Congress ought not to have had the power of emitting bills, or that they ought to have made a better use of it; and that nothing but a departure from their plighted faith could save the nation from ruin. They have also a right "to borrow money." Their domestic loan amounts to eleven millions four hundred and sixty-three thousand eight hundred and four dollars, and their foreign loan to seven millions eight hundred and eighty-five thousand and eighty-five dollars; in all,

nineteen millions three hundred and forty-eight thousand eight hundred and eighty-nine dollars. It is not necessary to suggest that any part of these loans, either at home or abroad, have been misapplied ; or that our European loans have not been accounted for by those who have done the public business in Europe. Indeed, it ought to be mentioned, that measures are taking to bring them to a strict account ; the only remark to be made is, that Congress has run the states in debt near twenty millions without applying to them ; and may run them in debt in the same way twenty millions more, if they can find use and obtain credit for the same ; and nothing can check the wanton use of this power but their own moderation, or a want of credit. With respect to the moderation of courts, let us have a late learned writer on the finances of Great Britain. " Nothing," says he, " can check the luxury and extravagance of a court, but the want of means."

Should the credit of Congress be established as effectually as some people wish, by putting into their hands a permanent and independent revenue, the power to levy and collect it, and the power to keep up standing forces in time of peace, in addition to their powers of emitting bills and borrowing money, it might then be asked with great propriety, what could set bounds to " the luxury and extravagance," or to the pride and ambition of the Court of the United States? What could limit the number, or measure the salaries of their civil list? What could prevent the introduction of pensioners, venality and corruption? Alas, the annual election of delegates would prove an ineffectual barrier to the torrent of debauchery. Might not the shortness of enjoyment provoke intemperance in the use of the power? Are not annual tenants commonly less careful of the tenement than tenants for life?

Three years said delegates may set in Congress. The term of many members will expire next November. May not the old proverb " make hay while the sun shines," be adopted. What cabals, what juntas, what bandying into parties, what prostitution of votes may not take place, in some future and corrupt Congress, to obtain places for themselves on their leaving Congress, or for their friends and dependents? In such dismal events, which gracious Heaven avert, will it not be sorely regretted by all good men that the states, in the days of their infancy's credulity and folly, parted with their most important power, the power of the purse, and concentrated in Congress these dangerous powers, which never ought to be combined in a single deliberative and sovereign body of men.

On this argument, a notable distinction is raised betwixt funds and revenues. A popular writer who, in the abundance of his zeal, undertook to convince the State of Rhode Island of the propriety of the late impost, in a course of letters on that subject, and who since has applied to Congress to

reward his services, and obtained a report, that a new office or place should be created for him with a handsome annual salary. This writer has the credit of first raising this curious and important distinction,—that revenues when appropriated become funds, and cease to be revenues. It will not be thought prudent, nor is it necessary, to shake the public faith in the resolve of Congress appropriating the impost. Whoever casts his eyes over the doings of Congress, in regard to money, will discover a woful versatility. The old money was issued at par. By the resolves of March 18th, 1780, it was to be called in at forty for one. Various attempts have been made of late to obtain a vote for redeeming it at seventy-five for one, but they have hitherto failed, and at what rate it will be finally redeemed, is not in the power of mortals to determine. The enterest of the Loan Office certificates issued before the first of March, 1778, was to be paid in bills on France; their payment has been entirely stopped. The requisition of November 2d, 1781, for the current services of 1782, which was expressly apportioned, among other things, for payment of the wages due to the army for that year, is to be diverted, it would seem, to another use, for the army is turned over to the funded debt, for their whole pay, to the end of 1783.

Other instances might be produced to show that Congress has been frequently necessitated to depart from their resolves and appropriations of money; and is it supposable that no contingency will occur to justify, in the opinion of some future Congress, a departure from the resolve of the 16th day of December last? Surely much faith is requisite to enable a man, with his eyes open, to answer in the negative.

The above observations tend also to prove the propriety and necessity of the particular states keeping their funds and revenues under their own direction, and subject only to their own particular appropriations; for it is a maxim founded on a great experience, that no order of men in a state can be competent, in all events, to manage the affairs thereof, in regard to collecting and appropriating its revenues, unless they are also clothed with the full powers of legislation.

For almost three years have the counsels of America and public measures been embarrassed with new-fangled schemes and projects, and during this time, it has been the interest, if not the endeavor, of the abettors thereof, to obstruct constitutional measures and defeat their success, in order to give force to their arguments and to add weights to their scale. It is much to be wished that the great council of this nation would abandon the pursuit of new systems and measures, and seriously apply themselves to the resources of this country, in that mode and in that only which is pointed out in and warranted by Confederation. A doubt cannot be entertained but that the resources of this country are fully equal to all the

just demands of the public. The exertions of the states, their loans, their advances in specific articles, their monied payments, and their personal services in the course of the late war, even before their respective governments had been established, or acquired their present tone and energy, leave no room to doubt that the present Constitution is sufficiently organized and happily calculated to draw from the people the necessary contributions. Should a fair trial of the powers of the present Constitution of the United States be had for a few years, in time of peace, and should they be found ineffectual, then, and not until then, will it be prudent to attempt any innovations.

It should be remembered that next March is assigned by a resolve of Congress of the 17th day of February, for apportioning to the several states their quotas of the public charges, from the beginning until the year 1789, agreeably to the eighth article of Confederation. This ought to be considered as an object of great importance, and your delegates confide that the State they represent will send forward, in due time, the data required by said resolve, on which a constitutional apportionment of the public expenses may be grounded.

By a resolve of Congress of the 18th April last, a proposition has gone forth to the State to alter the eighth Article of Confederation. It is proposed to alter the rule for apportioning the public expense from that of the "value of all lands, buildings and improvements therein," to that of "the whole number of white and other free citizens and inhabitants, of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, excepting Indians not paying taxes, in each state." On this proposition it may be observed, that although it may be really true that the riches of a country generally keeps pace with its population, yet a distinction ought to be taken in the instance in question; for from local circumstances and particular occupations, and ways of living in the several states of which the American Union consists, this proposition may not be true when applied individually to them. A certain portion of soil is necessary to every farmer. It is found to be injurious to the interests of agriculture to have lands cut into too small, as well as too large portions in the hands of individuals; wherefore, in the process of time, as the people increase, they resort to places convenient for trade and manufactures, leaving the lands to be cultivated by a competent number. Hence the people in commercial and manufacturing towns become very numerous. Should this observation be applied to the State of Rhode Island, &c., compared with the other states in the Federal Union, will not a presumption arise, that the proposed alteration in the fifth Article of Confederation would work an injury to that State?

It may also be observed, that the personal estate and effects are not to be taken into the estimate agreeably to the present rule ; and further than that they give additional value to the lands, &c., in the respective states ; for which reason the proposed alterations of the rule to numbers, would make it bear harder in commercial and manufacturing states.

However various the sentiments of the people may be about the propriety of the above observations, it will be readily allowed on all hands, that the present state of the comparative numbers and wealth of Rhode Island, Massachusetts, Connecticut, not to mention any other states, strongly favor them.

Their present numbers would afford a ratio of taxation for Rhode Island to Massachusetts, as one to seven for Rhode Island, to Connecticut as one to four, nearly. An inequality too obvious to find any advocates, one would imagine, even in those states. It is not to be doubted but that the rule in Confederation would, at present, be more in favor of the State of Rhode Island, as well as more just and equitable ; and whether the same causes which effect the comparative number and wealth of the different states will not in future have a proportional operation. must be left to eventful time to disclose.

Besides, if numbers are to be the rule, ought not all the blacks in the southern states to be taken into the census ? The net produce of the labors of a black in those states is, at least, double to that of a common white laborer in the eastern states. Further, and which merits more serious attention, innovations in established constitutions ought to be cautiously guarded against. One alteration in the Confederation may be a precedent for and produce a second, and these a third, and so on, until that system, founded in the republican principles of the eastern states, shall be utterly annihilated.

It is under consideration and will probably be carried, that the Loan Office certificates shall be liquidated agreeably to the scale of Congress ; and that the keepers of the Loan Office be directed to issue certificates for one year's interest due on said certificates, and on all other liquidated debts to be receivable in payment of the requisition of 4th of September, 1782. By a provision in that requisition, the demands on the states respectively for interest, are first to be paid, and the surplusage only sent to the Federal treasury. Your delegates will not lose sight of this beneficial provision until they obtain the regulations necessary to facilitate its operation. The settlement of the public accounts meets with various obstructions ; partly owing, it is said, to the difficulty of obtaining suitable persons to act as commissioners ; partly to the confusion with which much of the public business has been transacted ; and partly from the difficulty of fixing particular and certain rules for the conduct of the commissioners.

It is hoped that the importance of the subjects on which we have treated in this letter will apologize for its length, and that the candor of the General Assembly will impute the freedom with which their delegates have disclosed their minds to their zeal in the service of the State.

We are, with the highest sentiments of respect for your Excellency,
and the State which we have the honor to represent in Congress,
Your Excellency's most obedient servants,

WILLIAM ELLERY.
DAVID HOWELL.

There can be little doubt that the preceding letter came from the head and hand of Mr. Howell. The handwriting of the original unequivocally establishes the second. It is as easy to identify his handwriting as it is difficult to read it. The style and manner of treating the subjects alluded to, are peculiarly Mr. Howell's. There is no mistaking his views. They are clearly expressed and logically defended. It was calculated to have great influence on the political action of the State, and, beyond a doubt, it added numbers and efficiency to the State-right's party.

DAVID HOWELL TO GOV. GREENE.

PRINCETON, September, 1783.

DEAR SIR :—No letters have been received from abroad, since my last to Gov. Bowen, excepting a letter laid before Congress by Gen. Washington from Chev. Jean de Heinty, Secretary of the Order of Divine Providence, in Poland. This appears to be an order of dignity in Europe, though of modern institution. It consists of three classes :—1st, Chevaliers grand croix ; 2d, Chevaliers commandeurs ; 3d, Chevaliers petit croix.

The expenses of initiation are, for the first, 110 ducats ; for the second, 55 ducats ; for the third, 30 ducats.

The knights of this order, says the letter, sensibly touched with the visible and efficacious interposition of Divine Providence, in protecting the thirteen states of North America, and in giving them the force necessary to resist tyranny and to establish liberty, the rights of man and of nature, have thought proper to address themselves to the hero of the age, praying him to lay before Congress the following proposal :—That Congress should name twelve of the most worthy for each of the three classes of the order,—in all thirty-six,—to be created knights of the order of Divine Providence.

Congress has not acted on this matter yet. On perusing the Confederation, you will judge for yourself how far a compliance, even so far as to nominate or recommend persons to this knighthood, would be an infraction thereof.

By direction of Congress, Gen. Washington is now in attendance at this place. A house is taken for him at Rocky Hill, about four and a half miles off. He has had an audience with Congress, for the particular etiquette whereof I must refer you to my last letter to my worthy friend, Dr. Arnold. The public papers will give you our address and his reply. He was sent for to be consulted on the arrangements necessary for a time of peace. Some hints on which policy you will also observe in Dr. Arnold's letter aforesaid, in consequence of a polite card from his Excellency the General, to his Excellency the President. The latter, with all the present members, chaplains, and great officers of Congress, had the honor of dining at the General's table last Friday. The tables were spread under a marquise, or tent, taken from the British. The repast was elegant, but the General's company crowned the whole. As I had the good fortune to be seated facing the General, I had the pleasure of hearing all his conversation. The President of Congress was seated on his right, and the Minister of France on his left. I observed, with much pleasure, that the General's front was uncommonly open and pleasant; the contracted, pensive phiz betokening deep thought and much care, which I noticed on Prospect Hill, in 1775, is done away, and a pleasant smile and sparkling vivacity of wit and humor, succeeds. It will please you to hear the following which occur out of many.

On the President's observing that, in the present situation of our affairs, he believed that Mr. Morris had his hands full. The General replied at the same instant, "He wished he had his pockets full, too." On Mr. Peters (from Pennsylvania) observing that the man who made those cups (for we drank wine out of silver cups,) was turned a Quaker preacher, the General replied that "He wished he had turned a Quaker preacher before he made the cups."

You must also have the French Minister's remark on the General's humor:—"You t'ink de penitence wou'd have been good for de cups."

Congress has ordered an Egyptian statue of General Washington, to be erected at the place where they may establish their permanent residence. No honors short of those which the Diety vindicates to himself, can be too great for Gen. Washington.

Little business has been done since my arrival here, owing to an incomplete representation. It is not expected that much will be done before a new Congress shall meet in November next. Congress will, I believe, spend

the winter here, or at Annapolis. I think they have bid a final farewell to Philadelphia; though no art or exertion will be left untried by Philadelphia to draw us back.

I have been hammering, out doors, on the subject of the Western territory; and hope in a few days, a step will be taken by proclamation, &c., as hinted in my late letter to Gov. Bowen. Query. Should Congress agree to establish their residence for thirteen years, at or near Fort Hill, would not it raise our back lands so high as to buy up nearly all our domestic securities? The back country is settling with amazing rapidity. It is told me by a person of information, that Mr. M. is at the head of the two great companies of land-jobbers, viz.: the Indiana and Vandalia. You may remember some stories in certain letters written to the State, as well as that in Mr. B's. I have transmitted to Mr. Thompson all the information I have been able to obtain about the mode in which the public accounts are to be settled, as well as on the subject of what will be proper charges. A committee has the subject under consideration. Their report shall be sent in due time. I fear sufficient attention is not paid to the settlement of accounts and other practicable means of giving ease and satisfaction to the creditors of the public. A curt reply on this head with some gentlemen is, "It is of more importance to obtain funds to pay them when settled." Everything is calculated to alarm the public creditors, and to enlist them in favor of the late revenue recommendation.

The subject of the old money was resumed last Friday. After debating it a whole day, nothing was done. It will be resumed to-morrow. The enclosed account will inform you how much has been paid by each state, and how much they are respectively deficient. The delegates from Massachusetts, who, by the by, are good men and honest republicans, and with me in all measures, say that there are in the state now not less than about forty seven millions of the old money, and you will see that they have paid in their quota.

I cannot pretend to foretell what will be done, but I like not the opposition of many on this head. You will see that the southern states have been delinquent, and I fear are too much disposed to punish us for doing our duty. How much, think you, have we of the old emission.

With the most perfect consideration, I am, dear sir,

Your friend and obedient servant,

DAVID HOWELL.

P. S.—I hope cousin Jemmy will write me whether he will be a Knight of 110, 50 or 30 ducats.

MESSRS. ELLERY AND HOWELL TO GOV. GREENE.

PRINCETON, October 9th, 1783.

SIR :—Since our last, sundry letters have been received from Europe, some extracts from which have been sent to his Honor the Deputy Governor, to be laid before the General Assembly ; others are enclosed in the paper, No. 1. These extracts will give the views which the Minister of the United States in Europe entertains on the subject of commerce and loans, and in regard to the operation of the orders of the British King in Council, regulating the British trade with the United States, passed on the 14th of May, the 6th of June, and the 2d of August last, and which are enclosed in No. 2.

The present British Ministers, or rather coalition, stand on a tottering foundation. No permanent regulations in regard to trade, are soon to be expected. Their views may be pretty well understood from the letter and memorial of Mr. Hartley to the American Minister, dated June 14th, 1783, copies of which are enclosed in the paper No. 3.

Since the independence of Ireland, their trade will, doubtless, take a different turn, as well as that of the United States, Nova Scotia and Canada, and the Floridas are in a new situation. By all which events, the trade of Great Britain will be essentially affected. And so extensive and complicated are the mercantile interests of the British empire, that time and experience are necessary to enable the British to adopt such measures as may best console them for the dismemberment of the empire, and tend to secure to them the advantages of their remaining commercial resources. Their great object seems to be to secure to themselves the carrying trade, in order to sustain their navy and maintain their empire over the seas.

By the fourth, sixth, and ninth articles of Confederation, the particular states retain their power of imposing duties and the exclusive regulation of their trade, excepting the trade with the Indians not members of the states which are under the control of Congress.

It ought not to be concealed from you, that Congress is drawing up an address to the states on the subject of commerce, and it is the opinion of several members that Congress ought to call on the states to invest them with the power of regulating the trade of the United States.

Your delegates have conceived it their duty to oppose every motion of this kind, in virtue of their general instructions to preserve the Confederation, and the sovereignty of the states inviolate. The extracts from the Journal, in No. 4, will show what has been done on this head.

Your delegates have thought proper to enclose a copy of the memorial to Congress from the state of Massachusetts, in No. 5, in order that those

states which labor under similar grievances, may adopt similar measures for redress. The effects of this memorial are will detailed in a letter from the delegates of Massachusetts to the Hon. S. Adams, Esq., chairman of a committee of correspondence with the delegates of that state, an extract from which has been put into our hands, with liberty to make such use of it as we might judge expedient; this is contained in No. 6.

After a long debate on the subject of Western territory, Congress has agreed to a report of a committee to whom was referred the consideration of the cession of Virginia; No. 7 contains a copy of this resolution. The necessity of the case, and the peculiar situation of public affairs, can only justify this measure, as a cession is clearly less liberal than the public had a right to expect.

More than three years have elapsed since Congress recommended to the states claiming western territory, to make liberal cessions thereof. Three cessions only have been made. The cession of New York was accepted last year, and that of Connecticut, contained in No. 8, has been repealed by that state, since the arrival of peace. And, although Virginia has been precluded from repealing her cession, by Maryland's acceding to the Confederation, in consequence thereof,—see No. 11,—little or no hope remained of her ever making it more liberal and extensive. And should Virginia, following the late example of North Carolina, have opened her land office and refused to listen to conciliatory measures, the consequence to the public could not readily be foreseen.

The legislature of Virginia will soon convene, and it is expected, conform their cession to the views of Congress. In case of her refusal, different measures must be adopted to obtain public justice on this subject.

The delegates for North Carolina have written to their state in the most urgent terms, to induce them to make a cession of part of their western claims. What Georgia will do is altogether uncertain; but by accepting the cession of Virginia, we shall have an additional voice for obtaining cessions of other states. The paper No. 9 contains the cession of Virginia. It has been earnestly contended that they should relinquish all their claims over the Alleghany Mountains. In alleviation of the public disappointment by failing in the point, it may be observed that the lands appropriated by Virginia to her line, at all events, must have been taken out of these western claims; that near eight thousand inhabitants have planted themselves on the southeast side of the Ohio, at Kentucky, and other settlements whose claims would most probably have been allowed by the public, and formed another large deduction; and finally that the Indiana claims, an account of which is contained in the paper No. 10, would also have formed another large deduction; so that, on the whole, the policy of contending with Vir-

ginia by coercive measures, to relinquish her claim southeast of the Ohio, appears at least questionable.

The lands already ceded to the United States, should Virginia conform to the views of Congress, are estimated by the best informed to amount to upwards of five hundred square miles. Allowing the State of Rhode Island to strike one-fiftieth, our share would amount to ten thousand square miles, a territory of ten times the extent of the whole State.

A proclamation has issued from Congress, prohibiting all persons from purchasing or accepting cessions of land from the Indians, without the limits of the particular states, and declaring such purchases and cessions null and void; also prohibiting settlement on said lands. And it is in contemplation to lay off a suitable district from the same, for a new state, to be disposed of to satisfy the public engagements to the army, and to form a fund in aid of public credit.

On the 5th instant, came on the great question respecting the permanent residence of Congress. After some debate, it was agreed that each state, in order, should be in question. After separate votes were taken on each particular state, it appeared that New Jersey and Maryland stood highest, each having four voices in its favor. On the 6th, a motion was made that buildings, suitable for the accommodation of Congress be provided, and erected either on the banks of the Potomac, or on the banks of the Delaware. This passed into a resolve, by general consent. On motion it was then resolved that the banks of the Delaware be the place. It was next resolved that the particular spot should be near the Falls of Delaware, in the vicinity of Trenton, by four states,—eleven states being present. The balance of interests was not affected by the two extreme states being unrepresented.

We are, with the highest sentiments of respect,

Your Excellency's most obedient servants,

WILLIAM ELLERY.

DAVID HOWELL.

The papers referred to as enclosed, are not on file.

DAVID HOWELL TO GOV. GREENE.

ANNAPOLIS, Dec. 24th 1783.

DEAR SIR:—Your favor of the 18th ultimo, came duly to hand, and is before me. Amidst the almost total silence of my friends, your letter was peculiarly grateful, on account of the friendly manner in which it was written and the useful information it contained.

Mr. Ellery joins me in returning his compliments and acknowledging your goodness in procuring suitable grants of money for us at Littlerest;

and for your obliging offer to forward it to us. I presume, before this will reach you, our joint letter, dated at Philadelphia, will have given you information of our having been under the necessity of drawing on you in favor of Messrs. Hewes & Anthony. We doubt not of ready payment of our bills, as the credit of the State as well as our personal honor is concerned.

It gives me great pain to be so frequently under the necessity of apologising for the conduct of Congress in regard to consolidating Loan Office certificates; and in regard to issuing certificates for one year's interest. As I had these measures greatly at heart, I have omitted no opportunity to press them. They are systematically opposed. They require the concurrence of nine states, and we seldom had nine states on the floor last summer, exclusive of Pennsylvania, and, since our arrival at this place, we have had but seven. A second letter of remonstrance to the delinquent states, on this head, was ordered yesterday. A full representation would enable us to close the most material public business in two or three months, and have a recess. This I had proposed, and written to some of my friends before I heard that it was the wish of the State. It would lessen the public expenses, shew the people that Congress does not intend to become a permanent body, and delegates would attend more punctually at such short terms, and the public business would be done with more despatch. You must have heard that New Hampshire has ordered their citizens to receive certificates for one year's interest due on the loan office certificates, which are to be taken in payment of the tax on the requisition of September 12th, 1782. The power of the particular states to take such a measure without further order from Congress, is not contested even by those who oppose the measure. I have wished that Congress would point out the mode, but the opposition against making any further advances in that way, and the delay unavoidable in the case, will perhaps justify, as you observe, "the states interfering in the business." It is exactly in the extreme, thus to delay doing justice, where it is practicable, in order to work up and thicken the storm.

I am sorry that we do not better coincide in opinion on the subject of federal loans. I shall reserve a more full discussion on this point to a personal interview, and only submit to you for the present, whether it was not better to adopt the measures we did, than to have returned to Philadelphia, in which case, in all human probability, that would have been the place of our permanent residence. Nothing but drawn bayonets ever did drive Congress out of Philadelphia, and there appeared to me no sufficient reason to believe that any thing else ever would. A plan is now laid, if honestly pursued, to keep them out of any large city forever; and if that point is car

ried, it is of little consequence, in my view, where they sit, or whether they have any federal town, provided they have suitable accommodations. A perambulatory Congress favors republicanism; a permanent one tends to concentrate power, aristocracy and monarchy. I was greatly alarmed on hearing that Massachusetts had adopted the impost. I cannot yet learn what those saving clauses are. I perfectly agree with you, that funds must be provided; but as you rightly observe, in a constitutional way. I consider the western country as an important fund, and hope that it will prove in addition to state imposts, state excises and common taxation, a sufficient fund to secure the final payment of the national debt. At one-eighth of a dollar per acre it would extinguish a debt of forty millions of dollars.

I hear of little being said or done about a Continental impost to the southward. I fear that Virginia will finally adopt it. She is now in a good humor with Congress on account of our vote for a second federal town on her confines, and accepting her cession on terms so advantageous to her.

You very justly reprobate the dilatory and ineffectual mode of settling the public accounts. The General Assembly of Pennsylvania has remonstrated to Congress on this subject, and reprehend some of the instructions given to the commissioners, particularly that which directs them to reëxamine all certificates issued by our quartermasters, commissaries, &c. They say, in fine, that it is their expectation that the commissioners be governed by resolves of Congress, and not by direction from the office of Finance. This has been referred to Mr. M., and he has returned us a long report justificative of his conduct, and explanatory of the whole business, according to his views of it. There again we cannot take a single step for want of nine states. In this affair, the public suffers extremely, but it is said to be of no consequence till funds are provided. You wish to hear that Congress at their new place of residence are "divested of all party and local attachments." I am happy to give you such information. In what little business has been done here, I have not been able to discover the least tincture of poisonous influence. The members appear to aim at the public good, without regarding the dictates of any of their servants, and I have the pleasure to inform you that we have some very amiable characters here at present. It is said that Mr. M. proposes to pay us a visit of some length. He will, perhaps, give his friends previous notice of the time, and get a full house of them, to urge on his old system, and which he may honestly pursue yet, for I have no idea that he proposes to relinquish either his system or his office, until his interest and that of his friends, in the public debt, shall be secured by funds in the hands of Congress. I wrote you my mind on this head in my last.

You observe that you are full of goods and more coming. I should think

the plenty would reduce the price, and that it must be our interest to have foreign goods cheap in our markets, and our goods dear in theirs. The prices of our products, I should think, would be naturally raised by a competition of purchasers from all nations. The fear expressed by some people that foreigners will take our trade into their hands, and be our carriers as well as our merchants, appears to my weak apprehension very ill founded. Nature protests against such violence. The British and other European nations will soon find the bad policy as well as the impracticability of carrying their arbitrary order into effect, and of continuing them so much against the natural course of things. We have a natural right to carry our own trade, and a natural right will create, in the event, an interest in our favor which will secure to us the exercise of this right. The West Indian planters are already clamorous. All Europe will, at length, find their interest in the freedom of our trade, as they do in our independence.

I confess it was an unpardonable omission, in my last letter, not to have informed you of what we had done about the State's accounts in Philadelphia; but as we did not neglect to do the business, I hope no injury will arise to the State. Mr. Williams, the Comptroller General of the Treasury, in whose keeping the accounts are, promised to write to Mr. Chinn on the subject, and correct the measures necessary to be taken thereon, and to see that they were carried into effect at the public charge. Whereupon, we left the business in his charge, confiding that the interests of the State will not suffer in any event.

You hope, "removing to the south will not make me forget my old friends to the north." The hint, Sir, is very natural, and it gives me no small degree of pleasure to find that you have a desire to retain an interest in my friendship. You have, Sir, as the poet says, "*Carissima pignora mei*," "the dearest pledges of myself" in Providence, my dearest love and five sweet prattling babes, you have my whole earthly interests; and in your estimation of me rests all my expectations in life. Be assured, Sir, my obligations to my friends in Providence, to the town and to the State, are too deeply graven in a faithful breast to be erased by time or distance. Sorry I am, to have the least occasion to call in question the sincerity of any of my friends' regard for me. I will not call it in question. I will rather conclude that they consider me as in their pay; and that it is my duty to carry on both sides of the correspondence. Mr. Ellery thinks I have written as much as six quires of paper, and I have not received above a quarter of a quire, excepting Mrs. Howell's letters.

We left Philadelphia on the 8th instant, having stayed for the arrival of Mr. Stelle, and came through Baltimore, where we attended divine service on the Continental Thanksgiving Day, and arrived here on the 12th. There

had been no Congress, as we expected, before our arrival. Mr. Ellery and myself have taken lodgings at a Mr. Millard's, near the state house. We are well accommodated with large and elegant apartments and sufficient fare; but our living will, on the whole, come dearer here than in Philadelphia.

This city stands on rising grounds and looks into the bay by a most beautiful prospect. The Severn runs by it on the northwest, and another river or creek on the other side, so that we appear to be almost surrounded by water. The soil is sandy, and the walking good (though the streets are not paved,) at all seasons. The shores are steep and the banks sand and gravel. There are no marshes, salt meadows, or stagnant waters. I should estimate the houses from four to five hundred. The inhabitants, perhaps, as many thousands. The state house and the house assigned for the President, are spacious and elegantly furnished, far exceeding those buildings in Philadelphia. The houses in general in the city, are very large, and look like palaces compared with the huts of the peasants in the country you pass through. This city is the residence of wealthy landholders from an extensive circle. This is their winter quarters and the theatre of their diversions. The *bon-ton* of this city affect an higher sense of honor and a more refined politeness than any other part of the state. I am told here is a play-house, a ball-room, and many good taverns, but there is no place for public worship.

On the 19th inst. the Commander-in-Chief arrived in the city; on the 20th he informed Congress by letter of his intentions to resign his commission. A public audience for him was ordered on the 23d, at which he solemnly delivered his commission to the President of Congress after a short address, which was answered by the President; both of which you will see in the public papers. An elegant public dinner was ordered on the 22d, by Congress. The Governor, Senate and House of Delegates, with sundry of the citizens, in all, including Congress, about two hundred, attended and partook of the feast. After which thirteen toasts were drank under a discharge of thirteen cannons. Gov. Greene invited the company to a ball in the evening, at the state house. The farewell of General Washington was a most solemn scene. This closed the public audience on the 23d. The state house was crowded with people of the first fashion, who all partook in the occasion. And many testified their affectionate attachment to our illustrious hero, and their gratitude for his services to his country by a most copious shedding of tears. After this scene closed, he set off for his seat on the Potomac, having purposed to reach there in season to spend Christmas at his own house. I have enclosed you a list of the toasts drank at the public dinner.

I have also enclosed you a copy of a certificate issued by this State to its citizens, holders of Loan Office certificates, in lieu thereof. It is said that many have been thus taken up,—the State assuming the debt of Congress.

As there is no public worship in this place, and Congress have at present no chaplain, I have been witness to no act of public devotion, since I have been here. The second night after my arrival being Saturday night, in the edge of the evening, the servant brought into the room and set on the table two candles and two packs of cards. Some of the company spread around the table and went to playing for money. I left the room and was shown to another; after which I sent for Mr. Ellery, and we spent the evening by ourselves in conversation. I observed to the company that, in New England, the table would have been furnished with a Bible and psalm book, instead of two packs of cards.

I was told the next day that they had played for ten to twenty guineas a game, and that one man had lost two hundred guineas. Gentlemen here boast of such adventures, so widely different are the customs and manners of the people here from those of New England. The older I grow, the more I am impressed with the persuasion that religion is for the good of society. If in this world only it had a reward, that reward would be sufficient to induce a reasonable man to become seriously religious. And the advantages government would receive from the prevalence of some religion among the people, are sufficient, in my opinion, to induce every patriot, or good politician to countenance and encourage it by precept and example. I therefore cordially join you in wishing that we may “build our future empire on the basis of religion, virtue and justice.”

Sundry letters from our Minister in Europe have been received, with and since the definitive treaty. They contain nothing of moment. I shall, however, take extracts from some of them to lay before the next session of our Assembly.

With the most perfect consideration, I have the honor to be, dear sir,

Your most obedient and humble servant,

DAVID HOWELL.

P. S. — Please to let my friend, Dr. Arnold, read this letter, if at home, and such others as you may think proper.

“Mr. M.” referred to in the preceding letter undoubtedly was Mr. Morris, whose views on financial matters Mr. Howell generally opposed.

DAVID HOWELL TO GOV. GREENE.

ANNAPOLIS, February 1st, 1784.

DEAR SIR:—In a former letter I made mention of the robbery of the mail at Princeton last fall. I now enclose a copy of a letter from the Postmaster General.

No. 1 with resolves of Congress. No. 2 on that subject. No. 3 contains certain resolves allowing the state of Virginia to keep up armed vessels and guards for defence of their trade and to guard the public prisons and stores. The delegates of Virginia had instructions to apply for these resolves, when that had in contemplation the collection of duties on its trade under its own authority. It is said, (but their act has not been submitted to Congress,) that that state has lately adopted the Continental five per cent. impost. In that case these resolutions will probably be useless to them, as Continental armed vessels and Continental guards must be introduced and employed to enforce whatever ordinances Congress may from time to time find expedient to adopt.

No. 4 contains certain resolutions of Congress on the subject of an Indian pacification. The pacific and generous views of Congress are declared towards those Indians who have in the late war joined the British arms, and are now disposed to peace; and the district of territory wanted for a new state, is described. It is expected that large presents must be made to the Indians at the proposed treaty. Virginia having conformed her cession to the views of Congress, as soon as the purchase, or cession shall be obtained of the Indians by fair treaty, the title of Congress will be incontestable, and our land office will be opened.

No. 5 contains a resolve of Congress on a memorial of the public creditors in the city and liberties of Philadelphia. I hope this resolution will be satisfactory to the public creditors in our State. It is only explanatory of the resolution of the 28th of June, 1778. The amount of Loan Office certificates which draw real interest on the nominal depreciated principal is about two and half millions dollars. I must note that a committee is appointed to devise and report means of discharging them. The state of Maryland has assumed on itself upwards of a hundred thousand pounds, their currency, of the Loan Office debt due to its citizens; and issued to the holders State certificates, the interest of which is to be paid annually by the state, and the principal in due time.

No. 6 contains measures adopted to obtain a full representation in Congress. All measures on this head have hitherto proved ineffectual; only eight states are present. We have had nine but about a week, since our adjournment to this place. What baneful planet interposes its malign influ-

ence? This is all the apology I can make for not having better answered the just expectations of the people, who have honored me with their confidence and the important trust of representing them in Congress. Those who have less confidence than I have in the views of the present Congress, are less mortified on this occasion.

No. 7 contains an act of the state of Maryland, laying duties on British vessels, &c. Five shillings per ton is to be paid by all British vessels, and two per centum on their cargoes, in addition to duties already laid or to be laid, on other vessels and cargoes. The act also empowers their delegates to ratify an additional article to the Confederation on the subject of commerce. In a late letter from Mr. Adams, he observes that the present British Ministry (which being a coalition, was thought to stand on tottering foundation,) gains strength and stability; and that it is to be feared that the order of the British King in Council restraining our carrying trade, will not soon be repealed. In that case some counteraction may be wise and proper on our part. I wish this subject may receive a serious consideration. What several states have done may be seen in the public papers. It may be observed, that Maryland has imposed duties on British trade, to be paid into their own treasury. And that although they are disposed to invest Congress with power to prohibit the importation of foreign goods, &c., yet they are not disposed to invest Congress with power to impose duties on such goods, &c. The power of regulating trade, so far as such regulations are *bona fide* not calculated to raise a revenue therefrom, would, in my humble opinion, be less dangerous in the hands of Congress than the power of raising a revenue.

No. 8 contains copy of an act of Massachusetts, investing Congress with power to levy and collect a five per cent. impost. I cannot learn that they have complied with the other parts of the system of April 18th last; and a failure in one point, according to the resolve will frustrate the whole. I observe that they have annexed some important provisos, and I will take the liberty to name a few more:— 1st. That the states should have credit for the moneys collected within them respectively. 2d. That all the officers employed in the collection and management of the revenues within the states, should be appointed by and accountable only to their states respectively. 3d. That the ordinance under which the duties are to be collected, should be framed by Congress and laid before the respective states, to be enacted and executed under their authority.

Should this subject be taken up by the Legislature of our State, and find powerful advocates, it is my earnest request that the official letters, which I have heretofore written on this subject, may be read, for the information of new members, previous to putting the question, and considered as con-

taining my present sentiments and advice. This will prevent me the necessity of enlarging at present, which would only be a repetition of what is already on your files.

Our Ministers have not been able to negotiate, for a term, for the payment of British debts, nor for the release of interest.

It was well argued by them that Great Britain was the aggressor on the war, and therefore, in equity, responsible for its consequences. That it had disabled us and ruined many. That it would be for their interest to give a term, and so prevent numberless bankruptcies among us. That by their wrong done to us, it was impossible for us, during the war, to make payment, and, of course, we were not, in equity, bound to pay interest, which is in the nature of damage—even a lawful tender was improducible.

It is held, however, that interest ought only to be allowed on special contracts therefor, and not on accounts. As the law is opened to British creditors by the definitive treaty, some states whose citizens are greatly in debt to British merchants are alarmed. It is said that a bill is to be brought in the next session of the legislature in Virginia, to suspend execution or judgments for debts contracted before 1775, as well among their own citizens, as where one party is a foreigner.

The Minister of France has lately arrived in this city. He was received with demonstrations of joy. He has sent a note to Congress informing that his most Christian Majesty has been pleased to repeal his *arret*, suspending payment in navy bills for one year, so far as may respect the citizens of the United States.

Should you be of opinion that these enclosures are of sufficient importance, you will be pleased to lay them before the honorable General Assembly, at their next session; and to assure them of my best wishes to promote the welfare of the State and the public good.

I have the honor to be, dear sir, with much esteem,

Your most obedient, humble servant,

DAVID HOWELL.

WILLIAM ELLERY TO GOV. GREENE.

ANNAPOLIS, Feb. 1st, 1784.

The attention which your Excellency was pleased to give my request to the General Assembly for a grant of money; your and their disposition to supply their public servants abroad, and the necessity which will oppress me before I can return home, unless my purse should be recruited, constrain me again, through you, to address them for another grant.

I make this early application, because it is not probable that there will be more than one session before I shall leave Congress, and that I presume will be some time this month.

Before I left Princeton, I had expended the money I had received from the treasurer, as well as other money I had taken with me, and was obliged to borrow to discharge my board. At Philadelphia I purchased some clothing. This, the repayment of what I had borrowed, my expenses for board there, on the road to this place, and since I have been here, have consumed so large a part of the last grant that, without a further supply, it will be impracticable for me to discharge the debts I shall have contracted before my return. Sensible of the difficulty with which money is collected, and of the numerous demands on the treasury, I have reduced my expenditures to as small a compass as possible, in order to lessen the occasion for calling upon the State.

Before I left Princeton, I sent home one of my horses; when I got to Philadelphia, I sent off the other; (if I could have sold them, there would have been less necessity for this application,) and I would have dismissed my waiter also, had it been possible for Mr. Howell and myself to pass the winter with any degree of convenience, not to mention decency, without a servant. The board and wages of my waiter have made and will make my expenses greater than those of my colleague. Notwithstanding every retrenchment, such is and hath been my expense that I am compelled to sacrifice decency to my finances. How degrading, how humiliating it might be to a gentleman not to be able to return the invitations he receives, I leave to the feelings of my constituents. I could wish that a style of living more simple, and more conformable to republican principles, universally prevailed. But luxury seems to increase, and it is to be lamented that the character and influence of a state, as well as of its delegates, depend very much upon the mode in which the latter live.

I should not have been so particular, but there are men of generous dispositions who, from their plain style of living, and from their not having been abroad in a public character, cannot easily conceive how a delegate can, without profusion, expend fifteen hundred or two thousand dollars a year.

For the want of nine states we have not been able to transact business of importance. After having wrote many pressing letters, and sent off two expresses, nine states were at length collected, and the definitive treaty ratified. As soon as this was done, one of the Delaware members left Congress; and there have been only eight states represented since his departure. Georgia has not had a delegate on the floor for a twelve month. New Hampshire has had but one ever since I have attended. New York is not at present represented, and New Jersey has but one member. We hope to have a reresentation from these states in the course of a month or six weeks, and then we promise ourselves that business will proceed with so much celerity, as to admit of a recess, or adjournment, some time in May. In

the mean time matters are ripening, as far as they can be matured, for the decision of nine states. The business that hath been completed since our last joint letter, hath not furnished material enough for another. Mr. Howell, who hath an excellent talent for collecting intelligence, who is very attentive to every thing that passes, and whose more peculiar province it is to transmit information to the northern part of the State, has sent on from time to time every material advice from our ministers abroad, and respecting congressional transactions.

The act of Virginia, acceding to the resolution of Congress, touching their western cession, has not yet come to hand. That state, and the state of Maryland, have passed acts empowering Congress to prohibit the importation of British goods in British bottoms, &c., &c. A copy of the act of Virginia, and an extract from that of Maryland, I send enclosed. Heavy imposts to be appropriated to the use of the states where collected, I think would be the best way to effect a reversion of the obnoxious order of the British King in Council. As for giving to Congress power to regulate trade, I should not be disposed to consent to it.

Congress has lately received a letter from Mr. Adams, dated London, November 13th, 1783. The substance whereof is as follows: The great business is, "to keep their places." They drove out Shelburn, condemned his peace, which the whig part of them would have been very glad to have made. They now pretend to cherish the principles of the navigation act, and the King has been advised to recommend this in his speech; and the lords have echoed it in very strong terms. The coalition appears to stand on very strong grounds; the lords and great commoners who compose it, count a great majority of members of the House of Commons. They are endeavoring to engage Bedford interest with them; to persuade Thurlow to be again Chancellor, and Mr. Pitt is tempted with the place of Chancellor of the Exchequer, which Lord John Cavendish wishes to resign. Ireland is still in a state of fermentation, throwing off the admiralty, post office and every other relic of British parliamentary authority, and contending for a free transportation of their woollen manufactures into Portugal, for the trades to the East Indies, to the United States, and all the rest of the world.

This rivalry of the Irish is terrible to the ministers. The East Indies exhibit another scene, which will be terrible to the ministry. Here centre the hopes of England. No system can be formed which will give universal satisfaction. Some require the government to take that whole country into their own hands; others demand aids in cash and troops to the company. Opposition will probably be first formed upon Indian affairs. An enormous loan is the most popular thing a statesman can undertake; so certain is the

bankruptcy of his country. Opposition will declaim upon this topic, but will make no impression.

The United States will be another object of debate. If an opposition should be formed and concerted, I presume one fundamental part of it will be a liberal conduct towards us. They will be advocates for some freedom of communication with the West Indies, and for our having an equitable share of the carrying trade. Administration, on the other hand, will, with great difficulty, be persuaded to abandon the mean, contemptible policy, which their proclamations exhibit.

The public creditors in the city and neighborhood of Philadelphia lately presented a memorial to Congress, setting forth that the General Assembly of the state of Pennsylvania, did, on the 21st of March last, pass an act authorizing and directing the treasurer thereof, to make and issue notes, and deliver the same to Thomas Smith, Esq., Continental Loan officer, to enable him to pay one year's interest on Loan Office certificates, &c., &c. That the Loan Office refused to pay the interest on Loan Office certificates bearing date between the first day of September, 1777, and the first day of March, 1778, unless they consent to a liquidation of depreciation of the interest of this class of certificates, equal to that which is established for the principal of the final redemption. Upon which Congress passed the following resolution :

RESOLVED, That the interest which has or may come due on Loan Office certificates, bearing date between the first day of September, 1777, and the first day of March, 1778, is not subject to any depreciation.

I am much obliged to your Excellency for the letter with which you was pleased to favor Mr. Howell and me, and hope for the continuance of your goodness. Present my regards to your lady and your children, and believe me to be with the highest sentiments of esteem,

Your Excellency's most obedient servant,

WILLIAM ELLERY.

P. S.—Mr. Howell presents his respectful compliments.

DAVID HOWELL TO GOV. GREENE.

ANNAPOLIS, Feb. 1st, 1784.

SIR :—Your favor of November 18th, directed to Mr. Ellery and myself, came duly to hand. I delayed answering it with a view of joining Mr. Ellery in writing an official letter. But as he informs me that he wrote you by the last post, I have thought it my duty to write without further delay. I am sensible of your attention in laying our several letters before

the Assembly, and of their goodness in making us the necessary grants of money for our expenses. As our grants were made payable to the Deputy Governor, we have taken the liberty to draw upon him in favor of Messrs. Hewes & Anthony, of Philadelphia, whose friendship has relieved us and enabled us to come forward to this place. It is nearly three months since Congress left Princeton, and, in this time, excepting the ratification of the definitive treaty, nothing of consequence has been done. Notwithstanding the summer had passed without a full house, or doing much business, our hopes were sanguine that a full representation would come in this winter, and enable us to dispatch the most important business and adjourn over the summer. As yet we have been disappointed. Eight states only are present, and nine have not been on the floor, at once, for more than about a week, since our adjournment to this place, notwithstanding the most pressing application has been made to the delinquent states. This is a subject of no small chagrin to us, who are living at the public expense, and prevented from doing the public business by an obstruction, which, on our part, is involuntary as well as invincible. No business has been omitted, to the transaction of which the states present have been competent by the Confederation, and great industry has been used in digesting and preparing the remaining business, that it may be the more rapidly dispatched by a full house. Whatever dissatisfaction may prevail with the people at large, on account of this business not having been done, I hope their censure will be directed to its proper objects, viz. : — Those members of Congress who have criminally absented themselves from their duty, in the delinquent states, or those states which have neglected to appoint suitable men, or suitably to reward them, to come forward and join Congress. We are momentarily in expectation of a fuller house. What prevents the delegates from Delaware, New Jersey, New York, and New Hampshire from coming forward, we are yet to learn. Georgia was hardly expected. It is said they are occupied in disposing of and settling the lands betwixt them and the Mississippi, which, of right, belongs to Congress.

It will perhaps be said, that Congress ought to adjourn to next summer. But can there be a better prospect of a fuller house next summer than there was of having one this winter, or than there is even now of two or three more states coming in? And besides, there are some objects which call loudly for the immediate attention of Congress,—such as the reduction of the civil list; treaties of commerce; settlement of public accounts; old Continental money; requisition for supplies of the current year; requisitions for interest on the national debt; and I will mention one more which has great influence on my mind,—it is our western lands. This is an object of great magnitude, and has been attended with great embarrassments. By the last

act of Virginia, the affair is concluded with them. A purchase, or cession is yet to be obtained of the Indians by a treaty; a district for a new state is to be marked out, and terms of sale and settlement, with provision for government, ascertained.

Multitudes of emigrants are passing over the mountains and planting themselves indiscriminately on the best lands. The settlement at and about Kentucky already disregard the government of Virginia, and are on the point of hazarding their independence. It is the opinion of the best informed that a moment is not to be lost in taking our measures on this subject. Our obligations to the army and to the public creditors call for a decision. A fund so important to public credit, in my opinion, claims our earliest attention and careful improvement. Moreover, should depressed and disorderly settlements prevail over these lands; should combinations with Indians and disaffected, or corrupted white people, be formed, the United States might be involved in very serious difficulties. But after all, if the states will not send forward their delegates, it will become the duty of Congress, and perhaps soon, to adjourn and to assign the reason thereof to the states, and to inform them, in very plain terms that, unless they will so far do their duty to the Union as to keep up a suitable representation, the business of the Confederation cannot proceed.

By late letters from the state, I am informed that our State's impost is honestly paid and productive. This news gives me pleasure, as it confirms my opinion of the practicability, as well as safety of state imposts. Excises and sumptuary laws may open further resources to the State, and relieve the landholder in any degree which the public good may require. But as I am convinced that such impossible modes of taxation fall utterly on the consumer, and eventually oppress the poor, I do not wish to see them adopted in this country any further than real necessity may justify.

It is my opinion, that the late order of Assembly, directing the Loan officer to consolidate and issue his notes for one year's interest of Loan Office certificates issued from his office, had become really necessary. I am sorry that the benefit of this measure is to be confined to such holders of said certificates as are citizens of the State.

This restriction will prove injurious to foreigners, and is not agreeable to the design of the requisition. Pennsylvania first adopted this plan, and it seems other states have followed their example, and perhaps the business in future will be done in this line. But what means have Congress to remedy the case of foreigners, who must wait for the surpluses to be remitted from the states to the public treasurer? The Minister of Finance has already remonstrated to Congress on this head; and did it with the better grace as he had it in his power at the same time, to assure us that His Most Christ-

ian Majesty had repealed his *arret* suspending payment on navy bills, so far as the same respected citizens of the United States.

I pray you to make known these things to the General Assembly at their next session, and to assure them of my sincere concern for their interests.

I have the honor to be your Excellency's

Most obedient and most humble servant,

DAVID HOWELL.

DAVID HOWELL TO GOV. GREENE.

ANNAPOLIS, February 5th, 1784.

SIR:—I have the honor to enclose the paper No. 1, containing copy of a letter, or remonstrance, from the General Assembly of the state of Connecticut to Congress.

It breathes the true spirit of republicanism. I admire their strictures on the letter published in the address of Congress to the states as a letter sent to our State, but which, I believe was in fact not sent. This letter will however, remain on the Journal of Congress as a monument of the ingenuity and zeal of the day in which it was written.

The paragraphs referred to by Connecticut, I suppose to be the following, on page 6th of the address:—

“By the Confederation, Congress have an absolute discretion in determining the quantum of revenue requisite for the national expenditure. When this is done, nothing remains for the states, separately, but the mode of raising. (And the new system will take this away.) “No state can dispute the obligation to pay the sum demanded without a breach of the Confederation; and when the money comes into the treasury, the appropriation is the exclusive province of the Federal Government. This construction,” they observe, “of the power of Congress, at one stroke, vests Congress with the power of sword and purse, and leaves nothing to the individual states but an empty name.”

I have long been of opinion that this is the real object in view with many, and I wish it to be brought to light. If the states give up to Congress the power of raising money from them, and of disposing of that money, their particular sovereignty will, in fact, be all absorbed in one mighty sovereignty, against the abuses of which they will retain only the power of complaining, and receiving for answer that they can have no remedy. This is precisely the present case of Connecticut in regard to commutation. The pretensions of the particular states to sovereignty after they have parted with the

control of their purses, will be no less ridiculous than the claim of the man in the fable, to enjoy the shadow after he had sold his ass, alleging that although he had parted with his ass, he had not parted with the shadow.

Since I have touched on this very extraordinary letter, I pray your indulgence while I make two or three more remarks.

Page 4 of the letter, "We must pledge an ascertained fund, simple and productive in its nature, general in its principles, and at the disposal of a single will." And at the top of page 5—"It has been remarked as an essential part of this plan, that the fund should depend on a single will." The single will here referred to, is not the will of the Superintendent of Finance, but the will of Congress. Let us examine this single will. It is either agreeable to the will of the states, or not; if it is agreeable to the will of the states, it is as safe trusting to thirteen wills in the states, as to one will in Congress, which is agreeable thereto; but if this single will is not agreeable to the states, it is no longer a good will, or there is no longer the proper representation of the states, and of course should not prevail; therefore, in the former case it would be useless to have the funds depend on this single will, and in the latter case it would be wrong. It would also be unwise for thirteen sovereign states to bind themselves to do by their deputies something, which by hypothesis, they would be unwilling to do themselves. It may be further observed, that in democracies there should be no single will above the will of the people at large. Such a sovereign will would be complete tyranny.

At the bottom of page 6—"The measure in question if not within the letter, is within the spirit of the Confederation. Congress, by that, is empowered to borrow money for the use of the United States, and by implication, to concert the means necessary to the end." This refuement in the present instance, I apprehend, is misapplied. For the second Article of the Confederation requires that all powers to be exercised by Congress, should be expressly delegated to them. No measure, therefore, which is not founded in power expressly delegated, can be founded in the spirit of the Confederation, for that is its spirit. That pure and free spirit abhors powers by implication and oppugns all argumentative constructions.

Page 4—"The measure proposed is a measure of necessity." Had the war continued, and the states claiming western territory refused to cede their claims to Congress, this argument, (which, if it is an argument, is a dreadful one,) might have had some force. But peace has happily taken place; agriculture and commerce are revived; common taxation is going on in all the states; state imposts and excises are imposed, and are very productive in several states. In others, there are, in addition to the proceeds of confiscated estates, large tracts of unlocated lands to be convert

to their particular emolument. And finally, an extent of excellent land, of about five hundred thousand square miles, has become the incontestable property of the United States in Congress assembled.

In this great resource lies a most ample fund for the security of the public creditors. The calculation is easy; five hundred thousand square miles afford three hundred and twenty millions of acres, which, at one-eighth of a dollar, or nine pence lawful money, per acre, would extinguish a debt of forty millions of dollars; but good judges are of opinion that it would fetch a dollar per acre at least, in public securities. Where, then, is the necessity, let me ask, in the name of every thing dear to mankind, where is this great necessity of having recourse to a measure of at least doubtful, if not dangerous operation on the liberties of this country, to give greater security to the public creditors? Where is the man who is neither interested as a public creditor, nor an expectant of office, who can lay his hands on his breast, at this day, and say that a Continental impost is "a measure of necessity?"

The plan of February 8d, 1781, is now almost universally reprobated. Yet how warmly was that urged, and how ungenerously were its opposers censured! The day may come when those who now oppose the less dangerous plan of April 18th, 1783, may receive the thanks of this country.

I have also enclosed to your Excellency, in the paper No. 2, an estimate of the arrearages to the 1st day of January, 1783, and of one year's interest arising on the foreign and domestic debt. A proposition has been referred to a grand committee, with this estimate, for them to report a requisition on the states for the payment of interest on the national debt. Another proposition has been referred to the same committee, to call for estimates and to report a requisition for the expenses of the current year. Congress seems resolved not to let public credit suffer while the states are deliberating on the proposals in their late address.

What the event of those recommendations will be, time will discover. I have transmitted copies of the acts of Pennsylvania and Massachusetts. These are all I have yet seen, although it is said that several other states have passed acts on the subject. South Carolina rejected the measures last summer, and there is no information from North Carolina or Georgia.

From what I have seen and heard as yet, I entertain a comfortable hope that those states which may adopt the measures will embarrass their acts with such exceptions and provisos as may render their execution impracticable, and take off the edge of the public resentment from those states which may reject them, in which I cannot think the State I have the honor to represent in Congress will be alone. Time will convince the projectors of the present day of the impracticability and folly of their innovations, and

posterity will admire the wisdom and sanction the measures of the Confederation. The states must govern themselves,—maintain their separate sovereignties,—and adhere strictly to the principles of their Union and alliance with each other, and, in a word, do justice. So may we expect the favor of mankind and the blessing of Heaven.

With perfect esteem, I have the honor to be,

Your Excellency's most obedient, humble servant,
DAVID HOWELL.

DAVID HOWELL TO DEPUTY GOV. BOWEN.

ANNAPOLIS, Feb. 10th, 1784.

SIR:—I am extremely mortified that, through the delinquency of the post riders, my last letters to his Excellency the Governor, as well as to yourself, will fail of arriving in the State in time to be laid before the Assembly, at their February session. And I must ingenuously confess that an apprehension that unmerited censure may fall on me, for having omitted my duty, is a principal source of this chagrin which I feel, as the communication which it has been in my power to make is not of much importance to the State.

For the last seven weeks, two mails only have arrived at this place from the southward, and in the last three weeks one only from the northward. I have written from this place two letters to his Excellency the Governor; one of which has enclosures, and two to yourself, with enclosures, being extracts of letters from Europe, acts of Congress and of the states. These four letters contain all the communications of any consequence to the State, which it has been in my power to make; and it will appear by their dates that they were written in season to have arrived before the February session, had there been no delinquency in the post-rider.

I hope, therefore, when the above state of facts shall be known, that I shall stand exculpated from any inattention to my duty. In consequence of late letters from the states, as well as agreeable to my private opinion, I yesterday moved for a letter to be written to the states, giving them information that Congress had in contemplation a recess, or adjournment over the summer; and that it was absolutely necessary for them immediately to send forward a representation to enable us to dispatch the public business in the mean time. The motion was opposed from all parts of the House, and referred to a committee.

It is proposed to forward this letter by express, as conveyance by post is not to be relied on in this season of the year.

If this fails of bringing in a representation, Congress must adjourn. You will readily conceive that our present situation must be very disagreeable to

men who really have the good of this country at heart. To live at the public expense, when the public is already overwhelmed in debts, and not be able to do the public business, through the fault of others, must be a painful situation to a mind qualified for the office of a ruler of the people.

I heartily wish for a full representation, that we might be enabled in good earnest to put our shoulder to the great business of the nation. Nothing has been done since Congress has been in this place, of consequence, except the ratification of the definitive treaty. I have enclosed a copy of our Journal, not so much to show you what we have done, as what we have not done. This will, however, explain to you the reasons why no more has been done.

With perfect esteem, I have the honor to be, Sir,

Your most obedient humble servant,

DAVID HOWELL.

P. S.—I have enclosed a copy of the act of Maryland, adopting the five per cent. recommended by Congress. This I have taken from the laws of Maryland, no copy having been transmitted to Congress.

DAVID HOWELL.

As I was this day in conversation with a commutation-man, on the subject of a Continental Impost, who seemed to cast some blame on our State, for not complying with the impost, Gen. Wadsworth, who is now here as a delegate for Connecticut, replied, that "Rhode Island had saved the liberties of the United States once, and perhaps they might again."

Mr. Blair McClenachen, of Philadelphia, who was lately here in public business, did not hesitate to allow in conversation with me, that it was fortunate for this country, that the recommendation of February 3d, 1781, did not take effect, as it was not right; but he strenuously advocated the recommendation of the 18th of April, 1783, as wise and good. Indeed, it is generally allowed, that our opposition to the other was meritorious; and I have had the pleasure of hearing many fine things said of the State, which have, in a measure, balanced for the harsh things said of it last year. I will not repeat the compliments, which have been paid to me personally, by some, perhaps sincerely, and by others, who concluded by saying that they made no doubt but I should use my influence for the present measure.

All the delegates from Massachusetts now here, are orthodox; and one of them said, the other day, that there was as much difference betwixt the present Congress and the last, as betwixt light and darkness. The present Congress seem to me well disposed.

DAVID HOWELL.

DAVID HOWELL TO JONATHAN ARNOLD.

ANNAPOLIS, February 21st 1784.

DEAR SIR:—I have been informed in a letter from Mr. J. Brown, of your return from Vermont, and am not a little mortified that you have not taken so much notice of your old friend as to write a single line. I have no regular correspondence with any person in the State, and am much at a loss for the politics of the day. I have written you three or four letters since I have received one from you. Congress take no Philadelphia papers at present, and those sent in to us printed in this state, are of little consequence; this must be my apology for not sending you papers enclosed, which you was so obliging as to do for me, during your tour of duty. Indeed, there is but little news stirring, and but little business done in Congress, as you will see by our Journals, which are sent to the State regularly.

My late letters to the Governor and Deputy Governor will have informed you of all material transactions, as well as communications from Europe.

You cannot easily conceive the tedium of our present situation. Had my education in youth, or did my present taste admit of my participating in the amusements of this place, such as plays, balls, concerts, routs, hops, fandangoes and fox hunting, or, I may add, did my finances admit of my mixing with the *bon-ton*, time might pass off agreeably; but four dollars a day, although as much as I wish or expect from the State at present, burdened as the people are with accumulated debts, will not admit of seeing much company, as you well know. You will ask, then, how I spend my time. I have perused the letters from Europe, on our files, and some of the extracts are sent to the State. I sometimes read. Gov. Jefferson, who is here, a delegate from Virginia, and one of the best members I have ever seen in Congress, has a good library of French books, and has been so good as to lend me. There are at present many great objects before Congress, but none of more importance, or which engage my attention more than that of the Western territory. You well know the terms on which Congress accepted that country and to which Virginia has finally conformed her cession. The delegates of that state have presented Congress with a form of a deed of cession, or quit claim. They give up to Congress all their claims to lands lying northwest of Ohio and within the charter boundary of Virginia. On their part, they say that they are bound by the act of their state to this expression—on our part it is objected against, as extending their charter boundary, and indeed, giving authenticity to their claims; and in effect, amounting to a special guaranty to the lands southeast of the Ohio, which Congress utterly rejected. This deed is referred to a committee.

The petition from Kentucky has lately been taken up, and a motion made

to refer it to the state of Virginia, within whose jurisdiction the petitioners live. The motion was opposed and finally rejected. You will perceive that the object was to establish their jurisdiction over that country by a side wind, as the phrase is. The reason of all this manœuvring is because Col. Morgan was expected, and is now actually arrived here on the business of originating an action in behalf the Indiana Company against the ancient dominion.

Connecticut has obtained an order for a Continental court to try the claims of the settlers on the Susquehanna, against the state of Pennsylvania. Great and manifold is the wisdom of the Confederation; and in no provision more conspicuous than in the constitution of a Federal Court.

The western world opens an amazing prospect as a national fund, in my opinion; it is equal to our debt. As a source of future population and strength, it is a guaranty to our independence. As its inhabitants will be mostly cultivators of the soil, republicanism looks to them as its guardians.

When the states on the eastern shores, or Atlantic, shall have become populous, rich and luxurious, and ready to yield their liberties into the hands of a tyrant, the gods of the mountains will save us, for they will be stronger than the gods of the valleys. Astræa will take her flight from the tops of the Alleghany when she leaves the New World.

A committee has been appointed to report a plan of government, &c., for the western country. The report is agreed to by the committee, but has not yet been made to Congress.

It is proposed to divide the country into fourteen new states, in the following manner. There are to be three tiers of states:—One on the Atlantic, one on the Mississippi, and a middle tier. The middle tier is to be the smallest, and to form a balance betwixt the two more powerful ones. The western tier of states is to be bounded eastwardly by a meridional line drawn through the lowest point of the rapids of the river Ohio, and the eastern tier is to be bounded westwardly by a meridional line drawn through the west cape of the mouth of the great ——— from lake Erie to the north boundary of South Carolina, where the middle tier of states ends, and permits South Carolina and Georgia to run west to the first mentioned meridional line, as their Atlantic coast falls off west.

The new states are each of them to contain two degrees of latitude, and what lies above the forty-seventh degree is to be added to the state adjoining south. The district lying east of the meridian of ——— and west of Pennsylvania, is to make a state by itself. If you trace the foregoing lines on a map, the whole scheme will readily appear.

The mode of government, during the infancy of these states, has taken up much time, and was largely debated at Princeton last summer. On this head the committee have agreed to report, in substance, as follows:—

As settlers will always readily know in which of the states they are, for the states are to be named as well as numbered, when a number of settlers shall have planted themselves in any particular state, either on their petition, or the order of Congress, they are to hold a general meeting of all the free males, and to chose, out of all the constitutions of the present thirteen states, one constitution, and to adopt the laws of such state also, which are to be subject to alterations by their ordinary legislature. They are also, in this first and general meeting, to divide the state into counties or towns, for the choice of their legislature; and this government is to be originated among them. From this period they are to be subject to pay a quota of taxes by the same rule as the other states, and they are to have a setting member in Congress, with a right of debating but not of voting. This is the first stage. After the settlers in any such state shall consist of ——— souls, the free males shall have a right to call a convention, and to form a constitution for themselves, which is to be permanent, of the republican form, and agreeable to the spirit of the Confederation. This is the second stage.

After the settlers in any such state shall consist of a number of souls equal to the least numerous of the thirteen original states, such state shall be admitted as a member in full of the Federal Union, and vote as well as debate, on subscribing to the Articles of Confederation.

The committee have also agreed to report that the new states be laid off under the following express stipulations or perpetual covenants betwixt them and the present states:—

1. They shall always remain within the United States and be considered as part thereof.

2. They shall assume on themselves a proportional part of the national debt at the time, and be bound, in due time, to subscribe to all the Articles of Confederation, as they may then be, and to become members of the Federal Union.

3. After the year 1800, there shall be no slavery in any of the said states, no involuntary servitude other than as punishment for crimes.

4. No citizen thereof shall hold any hereditary title, nor shall any person holding such title, or order, be capable of becoming a citizen of any such state without a previous renunciation thereof.

About the most eligible mode of disposing of these lands, there are various opinions. It has been the custom of the southern states to issue warrants from a land office. The person taking the warrant has to look for unlocated lands to cover with his warrant, of which he makes a return. In this way the good land is looked out and seized on first, and land of little

value and in all shapes, left in the hands of the public. But this, I am told, soon rises in value, and is bought by the holders of the adjacent good lands, in their own defence. In the eastern states as you well know, the custom has been to sell a township by bonds, or certain lots taken flush, good and bad together, and to pass out settlements in compact columns.

The measure to be finally adopted on this head must be the result of mutual concession; and what they will be remains quite uncertain. Whether our general land-office ought to be opened—one in each state—is a question undecided, there being different opinions among the members present. But the prices of the land is the chief question, after all. If the liberties of this country are preserved, it will, in my humble opinion, be done by paying and not by funding the national debt. I am, therefore, of opinion with those who are for making the most of what we have to carry to market.

I find the public creditors are very apprehensive that Congress will set a high price on their lands. We are told of the immense tracts of land the particular states have to dispose of, and of the lands at the disposal of the British crown adjoining their water boundary, which it will be their interest not only to give away, but to hire people to settle on, in order to preserve their fur trade. A Major General, a few days ago, told me that he did not think our land would fetch us above an eighth of a dollar per acre. I replied by asking if his conscience would let him take eighty thousand acres of that land for his commutation only, (for it would come to so much nearly,) when no nation, not even the British, ever gave any general officer more than a colonel's half-pay.

Some are of opinion, that it would be policy to throw all our western country into a bank and sell it out as bank stock; the stockholders to choose a company of directors, and to make the most of their property. But in my opinion, this would be of too great magnitude to be effected in this country. It might be more practicable in an ancient and wealthy country, such as England or France. Such was the Mississippi scheme in France, which paid the public debt, though it ruined individuals. A motion has been referred to a grand committee, for a requisition on the states to pay interest on the public debt. Another motion has also been referred to the same committee for the expenses of the current year. The committee have not yet reported, but have agreed to require of the states—

1.	The balance of arrearages of interest due the 1st of January, 1783, after deducting the requisition of the 4th of September, 1782—which balance is in dollars,	\$642,674
2.	Interest arising and becoming due this year - - - -	1,608,877
Total requisition for interest - - -		2,246,641
3.	For the expenses of the current year - - - -	484,006½
Total of both requisitions - - -		\$26,80,656½

The committee has written to Mr. Morris to inform them how much out of the existing requisitions on the states, after satisfying all the remaining uses thereof, may be applied to the use of the above requisitions, in order to lessen them. The states are to be called on in the most earnest manner to comply with all the requisitions heretofore made. These measures are thought indispensably necessary to be adopted for the support of public credit, while the states are deliberating on the measures recommended in the resolutions of April 18th, 1783.

It may be observed that the estimates for this year are formed on a supposition that the reductions, which have been lately reported by a committee on the civil debt, will be adopted; but no decisive step can be taken in any money matters until nine states shall be present and agree therein. This is an event, which we wait for with the greatest impatience.

You will please to let Mr. John Brown see this letter, and inform him that I have conferred with the Massachusetts gentlemen on the regulation of the weights and coins; they discover a cheerfulness in joining in some measures, but what those measures are to be we have not agreed. I propose soon to write him at large on the subjects of his long and very interesting letter. You will readily excuse me for not enlarging, as I cannot tell you anything besides what you will class under the head of conjectures and prophecies. Pray write me in full your mind on the points touched on in this letter and any others you please.

Please to give my regards to all friends, and to believe me to be in all events as heretofore,

Dear Sir, your sincere friend and very humble servant,

DAVID HOWELL.

P. S.—I am at loss to account for the stoppage of my newspapers from Providence. I have received but one since at this place.

DAVID HOWELL TO DEPUTY GOV. BOWEN.

ANNAPOLIS, March 12th, 1784.

SIR:—Agreeably to my expectations expressed in my last letter, New Hampshire, New Jersey and Delaware have lately arrived; and ten states are now represented in Congress. New York, Maryland and Georgia are the only delinquent states, and the two former of these are daily expected. An estimate for a new requisition on the states is prepared by a grand committee, and will be soon reported to Congress. This requisition will provide for interest on the domestic debt to the first day of the present year; on the foreign debt, to the first day of the year, 1785, for the expenses of the civil list, &c. of the present year, and for Mr. Morris's anticipations and all

arrearages of unfunded debts, as the phrase is ; and will amount to about four and a half millions of dollars. It is proposed to call for this sum, as part of the requisition of November 2d, 1781, for eight millions. This sum being added to the payments made on that requisition, December 31, 1783, amounts to six millions dollars, or three-quarters thereof ; so that all these purposes can be answered, and two millions of that requisition, as well as the requisition of October 18, 1782, for two millions more, remain untouched, and subject to future appropriation ; and what is paid will answer the public demands till betwixt 1786 and 1787. I have the satisfaction to enclose copy of the final acceptance of the Virginia cession of claims to lands north-west of the river Ohio, in paper No. 1.

The printed paper No. 2, contains a report of a committee appointed to prepare a plan for the temporary government of the western territory. As this is a subject of great magnitude, it might, perhaps, be useful to suffer copies of this report to be dispersed, and as it is not probable that it will be soon acted upon, there will be opportunity for your delegates to profit by the remarks and strictures of their friends. For my own part, I can say with great truth, that I wish to be informed of the sentiments of my friends, and to govern myself in all material points by the voice of my constituents. That nothing might remain unattempted on the part of Congress to obtain further cessions of western claims, as well as to turn those already obtained to the best advantage, I have thought it my duty to make the two following motions : —

1st. That a committee be appointed to consider and report what further measures are proper, on the part of Congress, in order to obtain further cessions of claims to western territory.

2d. That a committee be appointed to devise and report the most eligible means of disposing of such part of the western country as may be obtained of the natives by the proposed treaty ; and the regulations for opening a land-office.

These committees are appointed, but have not yet reported.

Five commissioners, namely : — General Greene, of our State ; General Clarke, of Virginia ; General Butler, of Pennsylvania ; General Walcot, of Connecticut, and Mr. Stephen Higginson, late a delegate in Congress of Massachusetts, are appointed to hold and conclude treaty of peace with the Indians, under the instructions transmitted in my last letter.

These commissioners are to meet at New York, on the 10th of next month, to form their arrangements and to proceed on the business as soon as possible.

Great reliance is made on General Greene, on the part especially of the circumscribed states, who are interested in obtaining large cessions of the

Indians. I hope those who have influence with the General will use it to induce him to accept this appointment. It is honorable, if not lucrative. Many honorable gentlemen were in competition for it.

The committee for reducing the civil list have reported a reduction of about twenty thousand dollars per annum, at present, and others to take place at a future day. This report has not been acted upon. So many members of Congress (I am sorry to say) have friends to serve, or expect appointments themselves in the civil list, as ministers, secretaries, consuls or vice consuls abroad; or as ministers, secretaries, collectors, receivers, or commissioners at home; that it is a difficult thing to prevent augmenting the civil list, and next to impossible to reduce it. I say that this has been the case in former Congresses, (I mean to guard against reflecting on the present,) and it may be the case in future.

I have never enjoyed a better state of health for so long a time in any period of my life, than I have, through the Divine blessing, since I left home.

Had the states met punctually at the time of adjournment to this place, the public business might have been finished by this time. It is now going on very well, and I hope Congress will adjourn by May, at the farthest, for the summer season.

Please to give my dutiful respects to the honorable the General Assembly, and assure them of my best endeavors to serve them.

With the most perfect consideration, I have the honor to be, sir,

Your most obedient and very humble servant,

DAVID HOWELL.

P. S. — I have also enclosed a paper, No. 3, containing extracts from letters from Dr. Franklin, which I wish to have laid also before the General Assembly.

WILLIAM ELLERY TO DEPUTY GOV. BOWEN.

ANNAPOLIS, April 10th, 1784.

SIR: — I have taken the liberty to draw upon you in favor of Mr. Joseph West, now of Baltimore, but formerly of our State, for one hundred dollars, which I trust will be punctually paid, as he hath been so kind as to advance me that sum, and the credit of the government is pledged for the payment of it.

As this bill will not be sufficient to pay my expenses and take me home, I shall be obliged soon to draw for the whole of the grant made me the last session of Assembly, and I could wish that the treasurer might be desired to retain money enough in his hands to satisfy my bills, when they

shall be presented. The holy scriptures say that the love of money is the root of all evil, or something like it. The want of it is, I know by experience, the cause of a multitude of evils.

Congress has before them the affair of western territory, foreign arrangements, the civil list, and we may soon enter upon a peace military establishment. A requisition also to furnish such part of the deficiency of the eight millions requisition as, with the payments at the close of the last year, will make up three-fourths of the quotas on the several states, is on the tapis. Considerable progress has been made in the first; the second has received some discussion; but opinions are so various that I am suspicious we shall not soon come to a decision. The civil list will, I think, be in some measure reduced; but it is exceedingly difficult to remove officers, or lower salaries. It will be judged necessary, I believe, to establish for a time some troops, at suitable posts, in the western territory, and to keep up a few men to guard our public stores, but no standing army. A majority of Congress are for the requisition; but as the report provides that the several legislations may be admitted so as to model the sums called for, as that the one-half being paid in actual money, the other may be discharged by procuring discounts of interest with our domestic creditors; only taking care that the collection of money shall proceed, at least, in equal pace with the operations of discount. And, as the states to the southward of Pennsylvania have loaned but a small sum to the public, compared with the states to the northward, and as there is still a hankering after an impost, I am afraid that nine states will not be persuaded to embrace the report, in its present form. It is almost impossible to subdue prejudices, and destroy the influence of local attachments.

This requisition as alluded to in a late circular letter to the states, pressing them to an immediate collection of money is to prevent the loss of credit, which must attend the protest for non-payment of bills drawn on Holland by the Superintendent of Finance, which it seems had been protested for non-acceptance. I have my suspicions on this head; I don't believe that those bills will be protested for non-payment. However, if that letter should stimulate some of the very delinquent states into exertion, I should rejoice. Our State, in my opinion, has always been quite forward enough. Let more opulent and more extensive states take the lead.

Our State will receive a resolution before you will receive this letter, recommending to the several states to appoint their delegates to take their seats on the first Monday in November, annually, agreeably to the fifth Article of Confederation. This mode, I hope, will prevent great inconveniences.

A standing committee of qualifications is appointed, and the delegates of

Delaware have, agreeably to a report of that committee, been deemed disqualified to hold their seats. They were appointed twelve months last February, for the ensuing year.

If Congress should not adjourn by the first Wednesday in May, our qualifications to sit beyond that time may be called in question, and perhaps our seats may be vacated, although there is an act of the State, which I conceive would justify our sitting until we shall be relieved.

All the states excepting Delaware and Georgia are now represented in Congress, and it is expected that delegates from the first will soon be in Congress. I hope we shall be able to finish, or put the most important business in train, so that Congress may adjourn by the middle of May to the first Monday in November.

The Minister of France, a few days ago, laid before Congress an extract from a letter written 24th December, 1783, to the Chevalier La Luzerne by the Count de Vergennes, of which the following is, I believe a translation :

“ His Majesty hath decided in a manner irrevocable, that the port of L'Orient shall be free ; and that American navigators may actually consider it as such.”

The edict of the King hath not, however, been published, because the intention of his Majesty being to give to this establishment all possible extension. The regulations must, after mature examination, be framed in such a manner that the advantages granted to the merchants of the United States, may not essentially prejudice our commerce and the revenues of the State.

The merchants of the United States may equally enjoy the liberty to frequent the ports of Marseilles and of Dunkirk, and they shall partake like other nations, of the franchises and privileges of the two places.

It is possible that France will give some indulgences to our trade to their West India islands. I am confident she will grant to our trade every privilege that is not incompatible with her views of naval aggrandizement. The report on foreign arrangements proposes commercial treaties with every power that is concerned with commerce. If this report succeeds, Britain thereby, and in consequence of measures which may be adopted by France, will be brought, I imagine, to see the error of her ways, and take up a more liberal line of commercial conduct. However this may be, by multiplying the avenues of trade, we shall always have some to resort to, if several of them should be obstructed.

Please to present my compliments to Mrs. Bowen and all friends.

I am with great consideration,

Your most humble servant,

WILLIAM ELLERY.

• DAVID HOWELL TO DEPUTY GOV. BOWEN.

ANNAPOLIS, April 12, 1784.

DEAR SIR:—Your favors of January 13th and 26th, are before me, and I thank you for the information contained in them; and it shall be my endeavors to turn the same to public account. It gave me pleasure to learn that Gen. Greene had spent a week in Providence, and been suitably noticed by his old friends; too much attention can scarcely be paid to a character so meritorious. The Minister of France, who stopped here the last week on his way to Gen. Washington, in Virginia, laid a note before Congress containing information that His Most Christian Majesty had finally established port L'Orient a free port, and resolved to admit the Americans to the freedom of Dunkirk and Marseilles in common with other nations.

The paper No. 1 contains copy of the act of New Jersey, adopting the five per cent. impost. You will observe that, till the measure shall be adopted by all the states, they have declared all their ports free.

The paper No. 2 contains a copy of a report of a committee of Congress, on the subject of an ordinance for collecting the impost recommendation, the 3d of February, 1781. The states are now generally astonished that they should ever have been led into such an error as to give Congress the vast and uncontrollable powers contained in this ordinance. Virginia, South Carolina, and North Carolina repealed their hasty grants, as did the lower house of Massachusetts. Georgia and Rhode Island never granted the request of Congress.

I have transmitted you the act of seven states, adopting the impost recommended the 18th day of April, 1783. Should some more comply and bring the measure near to a crisis, I expect that some states will repeal these acts as they did the former. Virginia, I am told, is divided nearly into two equal parties, on this measure; so that when one party gets the upper hand, an impost is granted; and when the other succeeds, the grant is revoked. Which will prevail in their next House is uncertain.

State imposts from two to two and a half per cent. have generally taken place; and, unless the meeting of the Cincinnati in Philadelphia, next month, strikes out some extraordinary political manœuvre, I expect that the last impost will share the fate of the first.

The paper No. 3 contains copy of the report of a committee of Congress, on a military establishment in time of peace. On this I need make no comment, unless it be to remark that, as the ordinance No. 2, shows you in what manner the impost was to have been collected, so the military peace establishment, No. 3, shows you to what use the money raised was to have been applied. I chose to put these two together, because it has long been

observed that imposts and excises, in the hands of the sovereign power and standing armies, have grown up together and yielded mutual support to each other.

I have enclosed also, in paper No. 4, copy of some notes on the establishment of a money mint and coinage for the United States. These votes were occasioned by a long letter on the subject, from the Superintendent of Finance, to Congress, a copy of which I sent to Mr. John Brown, when at Congress before, to which I beg leave to refer. Nothing can be brought to a close on this business before the recess proposed.

By the printed paper No. 5, you will see that Pennsylvania has opened her land-office and received of her citizens in payment, certificates of depreciation, Loan Office certificates, certificates for pay and commutation, commissaries, quartermasters and forage masters certificates, &c., &c. This must not only give relief to her citizens who are public creditors, but prove a great resource to the state.

By such means the states which have such vast tracts of wild land to dispose of may buy up the public securities, and eventually reduce their sister states to the condition of tributaries. These are the states, too, which so pertinaciously insist that the revenues to be derived from commerce should be thrown into common stock. Sure I am that if our State parts with its advantage in point of revenue from trade, it must soon succumb under its burdens and dwindle into insignificance.

I have sent you these papers to be laid before the honorable the General Assembly, at their meeting in May. I pray you to present herewith my most dutiful respects, and to assure them of my careful attention to their interests.

With perfect consideration, I have the honor to be, dear sir,

Your most obedient and very humble servant,

DAVID HOWELL.

P. S. — Since writing the above, the door-keeper has brought me the report on paper No. 6, by which you will see that plans for a peace establishment are contracting to a less scale as the prospect of a Continental impost vanishes.

N. B. — I pray you to excuse inaccuracies and bad writing. I have not time, through hurry of business, to copy at present, and I hate it, if I had.

DAVID HOWELL TO DEPUTY GOV. BOWEN.

ANNAPOLIS, April 19th, 1784.

DEAR SIR: — Your favor of 20th ult. came to hand only this day. You observed that, at the time of writing, you must have had several letters on

their way to this place. I fear some have missed their way. I have acknowledged the receipt of all that have come to my hands.

I am glad to find that you approve of my conduct in transmitting the extracts from our Minister's letters. The State had a right to be acquainted with the sentiments of their agents in Europe on a subject of so great national importance, and it is a flattering circumstance that you have had it in your power to hold up some lights to your neighbors. People, so well disposed as the inhabitants of New England, only want information.

The letter written by the delegates of Massachusetts, which was published in Boston, has been taken into some of our papers this way. Had that letter been laid before their Assembly at the time it was received by their committee of correspondence, I cannot think that state would have granted an impost to Congress; but this letter was suppressed, and mutilated paragraphs (as I am told) of some hasty procured letters from our ministers in Europe, were offered to the House, and the measure was carried. I cannot find words strong enough to express my indignation at the base means, the intrigue, the chicanery, the deceit, the circumvention, the fetches, the side winds, the bye blows, the ambushes, the stratagems, the manœuvring, the desultory attacks, the regular approaches, the canting and snivelling, as well as swearing and lying, and, in short, the total prostitution of every power and faculty of body and mind and office, to carry a point, which I need not name. I entirely approve of the proposal for raising the state impost. Had the proposal made last year by Massachusetts, for a Convention of the Eastern States taken place, state imposts on some uniform plan would have been adopted before now; but time and experience will reduce to system measures adopted in conformity to confederation. The states will all find imposts necessary, and common utility and convenience will finally induce a sufficient uniformity. The sentiments of the delegates of Massachusetts are now published to the world.

General Wadsworth, from Connecticut, and Mr. Paine, from New York, two valuable men now in Congress, are fully in principle against the five per cent. impost, and have given it as their decided and first opinion, in Congress and out, that that measure neither would, nor ought to be adopted, and that if universally adopted by the states and carried into effect, it would lay a foundation for the ruin of the liberties of the United States. Several other members are less sanguine than formerly; and I can assure you with great truth, as well as satisfaction, that the present members of Congress are generally disposed to adopt economy and good measures; but such is our state that three dissentients only can defeat any measure proposed. The voice and wishes of the people at large are, however, making their way into Congress, and I hope to see next November, a set of men in Congress equal to the worthies of 1775.

Enclosed I send you a copy of the proceedings of Congress relative to an adjournment. We have since found its good effects, having gone through more business in a day than in a week preceding. We shall revive this motion the first convenient opportunity. I fear an adjournment will not be obtained without leaving a committee of the states.

With perfect consideration, I have the honor to be, dear sir,

Your most obedient and very humble servant,

DAVID HOWELL.

In May, 1783, Messrs. Arnold and Collins were present in Congress. On the 30th of June, Messrs. Ellery and Arnold appeared as delegates from this State, and produced the credentials of themselves, and of Mr. Howell and Mr. Marchant, as delegates for one year from the first Wednesday of May, 1783, and until others appeared in their places. Mr. Howell took his seat on the 23d of July, and Mr. Arnold returned home. After this, Mr. Ellery and Mr. Howell continued in Congress during the remainder of this year. Mr. Marchant did not appear in Congress under his appointment.

In May, 1783, Congress held their session in Philadelphia. On the 21st of June, their proceedings were interrupted by the "disorderly and menacing appearance of a body of armed soldiers about the place," where they were assembled, and the peace of that city was endangered by the mutinous disposition of the troops in the barracks. After a conference with the Executive Council of Pennsylvania, Congress broke up their session there, and the members were summoned to meet in Princeton, New Jersey, on Thursday, June 26th. The President being absent on the 8th of September, John Rutledge, a delegate from South Carolina, was elected Chairman, and, on the following day, Mr. Rutledge being absent, David Carroll, a delegate from Maryland, was elected in his place. Congress remained at Princeton until the new Congress met on the first Monday in November, and chose Thomas Mifflin, a delegate from Pennsylvania, their President; and, on the 12th, adjourned to meet on the 26th of

the same month, at Annapolis, Maryland. A quorum did not, however, appear there until the 13th of December. On the 23d day of December, Gen. Washington appeared in Congress to resign his commission as Commander-in-Chief of the armies of the United State.

The Journal of the Proceedings reads as follows : —

According to order, his Excellency the Commander-in-Chief was admitted to a public audience. And being seated, the President, after a pause, informed him that the United States in Congress assembled, were prepared to receive his communications, whereupon he arose and addressed as follows : —

MR. PRESIDENT :—The great events on which my resignation depended having, at length, taken place, I have now the honor of offering my sincere congratulations to Congress, and of presenting myself before them, to surrender into their hands the trust committed to me, and to claim the indulgence of retiring from the service of my country.

Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity afforded the United States of becoming a respectable nation, I resign, with satisfaction, the appointment I accepted with diffidence,—a diffidence in my abilities to accomplish so arduous a task,—which, however, was superseded by a confidence in the rectitude of our cause, the support of the supreme power of the union, and the patronage of Heaven.

The successful termination of the war has verified the most sanguine expectations, and my gratitude for the interposition of Providence, and the assistance I have received from my countrymen, increases with every review of the momentous contest.

While I repeat my obligations to the army in general, I should do injustice to my own feelings, not to acknowledge, in this place, the peculiar services and distinguished merits of the gentlemen who have been attached to my person, during the war. It was impossible that the choice of confidential officers to compose my family should have been more fortunate. Permit me, sir, to recommend, in particular, those who have continued in the service to the present moment, as worthy of the favorable notice and patronage of Congress.

I consider it an indispensable duty to close this last act of my official life by commending the interests of our dearest country to the protection of Almighty God, and those who have the superintendence of them to His holy keeping.

Having now finished the work assigned me, I retire from the great theatre of action, and bidding an affectionate farewell to this august body, under whose orders I have so long acted, I here offer my commission, and take my leave of all the employments of public life.

He then advanced and delivered to the President his commission, with a copy of his address, and having resumed his place, the President returned him the following answer : —

SIR : — The United States in Congress assembled receive, with emotions too affecting for utterance, the solemn resignation of the authority under which you have led their troops, with success, through a perilous and doubtful war. Called upon by your country to defend its invaded rights, you accepted the sacred charge before it had formed alliances, and whilst it was without funds or a government to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power through all disasters and charges. You have, by the love and confidence of your fellow citizens, enabled them to display their martial genius and transmit their fame to posterity. You have persevered till these United States, aided by a magnanimous King and nation, have been enabled, under a just Providence, to close the war in freedom, safety and independence ; on which happy event, we sincerely join you in congratulations.

Having defended the standard of liberty in this new world ; having taught a lesson useful to those who inflict and to those who feel oppression, you retire from the great theatre of action, with the blessings of your fellow citizens, but the glory of your virtues will not terminate with your military command. It will continue to animate remotest ages.

We feel, with you, our obligations to the army in general, and will particularly charge ourselves with the interests of those confidential officers who have attended your person to this affecting moment.

We join you in commending the interests of our dearest country to the protection of Almighty God, beseeching him to dispose the hearts and minds of its citizens to improve the opportunity afforded them of becoming a happy and respectable nation. And for you we address to Him our earnest prayers that a life so beloved may be fostered with all His care ; that your days may be happy as they have been illustrious, and that He will finally give you that reward which the world cannot give.

On the report of a committee, consisting of Mr. Ellery,

Mr. Madison and Mr. Duane, Congress, on the 18th of October,

RESOLVED, That two pieces of the field ordnance taken from the British army at the Cowpens, Augusta, or Eutaw, be presented by the Commander-in-Chief of the armies of the United States to Major General Greene, as a public testimonial of the wisdom, fortitude and military skill which distinguished his command in the southern department, and of the eminent services which, amidst complicated difficulties and dangers, and against an enemy greatly superior in numbers, he has successfully performed for his country, and that a memorandum be engraved on the said pieces of ordnance, expressive of the substance of this resolution.

The definitive treaty of peace between the United States of America and His Britannic Majesty, was laid before Congress and referred to a committee of five, of whom Mr. Ellery was one. On the 14th of January they reported a form of ratification of the same by Congress, which they adopted by an unanimous vote. They also,

RESOLVED, That a proclamation be immediately issued, notifying the said definitive treaty and ratification to the several states of the Union, and requiring their observance thereof.

Congress on the 23d day of March, recommended to the states to appoint their delegates for one year from the first Monday in November, succeeding the time of their appointment, that being the day appointed by the Articles of Confederation for the annual assembling of Congress.

The delegates from this State, on the 14th of April, called the attention of Congress to the resolutions of the General Assembly, passed at the February session, which have been given on a previous page. In pursuance of the instructions contained in them, they moved Congress, "that on the 26th of May next the President adjourn Congress until the 26th day of October next, then to meet at Newport, in the State of Rhode Island and Providence Plantations, and if a sufficient

number of members to form a house should not then meet, that all the business before this Congress unfinished at the time of said adjournment, be referred to the United States in Congress who shall be assembled at said Newport, on the first Monday in November next." A motion to strike out Newport, as the place of reassembling, received the assent of all the delegates present except those of Rhode Island. Successive attempts to insert Philadelphia, and Alexandria, in place of Newport, were negatived by equally decisive majorities. Finally, Trenton, New Jersey, was fixed upon as the place of reassembling.

On the 19th of April, Congress took into consideration a plan for the temporary government of the Western territory, which had been ceded to the United State. It was embodied in the report of a committee consisting of Thomas Jefferson, of Virginia, Jeremiah Townley Chase, of Maryland, and David Howell, of this State. As originally reported, it contained the following provision: "That after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said states,") which should be established within the ceded territory,) "otherwise than in punishment of crimes whereof the party shall have been convicted to have been personally guilty."

A motion to retain this clause received the votes of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and Pennsylvania, six states only. But one delegate from New Jersey was present, so that state had no vote. That delegate voted to retain the clause, as did also Mr. Jefferson, though the vote of his state was controlled by his two associates, who voted to strike out the clause. North Carolina lost her vote, the delegates being divided in opinion. Of the twenty-three delegates present, sixteen voted to retain the clause and sixteen to strike out. To retain it required the votes of seven states, as it received only the votes of six, it was not retained in the bill.

On the 26th of April, Congress voted that the President should adjourn Congress on the 3d day of June, to meet at Trenton on the 30th of October, for the despatch of public business, and that a committee of the states should be appointed to sit in the recess of Congress.

After the restoration of peace, the necessity of a general system to regulate commercial intercourse with foreign nations, was daily becoming more and more apparent. The Articles of Confederation conferred on Congress the power of entering into treaties and alliances. The states retained the power to lay imposts or duties, not interfering with any stipulation contained in any treaty made by Congress. The maritime states had begun to exercise this power. Each guided by its own interest, framed these laws to please itself, as well as related to the amount of impost, as the kinds of goods on which it was imposed. This gave rise to a great diversity in the laws on that subject in different states. This again, gave rise to jealousies between the states, and laid the foundation for questions under treaties with foreign nations. To quell the one and avoid the other, Congress on the 30th of April, recommended to the legislature of the several states to grant to Congress, for the term of fifteen years, the power of prohibiting the importation and exportation of goods in vessels not belonging to and navigated by the subjects of a power with which the states shall not have formed treaties of commerce ; and also the power of prohibiting the subjects of all such powers, unless authorized by treaty, from importing into any state, any goods not the product or manufacture of the realm of the sovereign whose subjects they are. It seems very evident that such a power ought to be exercised. It might be, though probably, ineffectually by the states separately ; it could not be by Congress, unless granted to them by the states unanimously.

This was an eventful year in the history of the United States. The war of independence, though virtually ended

at its commencement, was definitively closed by a treaty of peace during its progress. This revived the feeling of individuality in the several states. The external pressure, which during the war had tended to unite them, was now removed. Individual citizens were engaged in business, devoting their energies to their own immediate concerns. Independence achieved and peace restored, little attention was willingly bestowed by them on the affairs of the Confederacy. As the great object of the war and the Union had been gained, they acted as if thereafter every man for himself and each state for itself could preserve what years of war, privation and suffering had attained. Delegates in Congress shared largely in this feeling. The Journals show a scanty attendance at all times, and frequently no quorum for business. Yet in no year had more important business required the attention of Congress.

There was a large army to be disbanded—a treasury empty—foreign and domestic creditors pressing for payment—soldiers with arms in their hands, demanding their wages—treaties to be made with the Indians within the states—treaties with foreign nations—commercial regulations to be established—the jealousies of states in respect to their boundaries, their vacant lands, their claims on the Union to be subdued—all these subjects, and others of less importance in comparison with them, claiming the attention of Congress. Though the Journals of that body contain but short notes of their proceedings, they are the best means of ascertaining the labors of body and mind that were required in the discharge of their duties. On them it rested to provide for the safety and prosperity of a nation teeming with discordant interests within itself, held together by bands that left each part a sovereign in most matters, and which made the united whole, in a great measure, subservient to each part. Wisdom and prudence and patriotism in an eminent degree, were required for such a crisis as this.

CHAPTER X.

1784 TO NOVEMBER, 1785.

WILLIAM ELLERY, David Howell, Henry Marchant, and John Brown elected Delegates to Congress on first Wednesday in May—**Mr. Marchant** declines the office—Resolutions of the General Assembly respecting a Resolution of Congress passed April 18th, 1783—Instructions to the Delegates—Attendance—Report of the Committee on the Qualifications of Members—Discussion on the Right of Messrs. Howell and Ellery to Speak and Act as Members of Congress—Protracted Controversy—Rhode Island triumphant—Session of the Committee of the States at Annapolis—Meeting of Congress at New York—Activity and Influence of Messrs. Howell and Ellery as Members—Correspondence between the Executive and the Delegates.

Upon the first Wednesday in May, 1784, William Ellery, David Howell, Henry Marchant, and John Brown were elected delegates from this State to Congress. Mr. Marchant declined the office. His resignation was formally accepted at the June session, but no steps were taken to fill the vacancy.

At the June session, the act of Congress of the 18th of April, 1783, came before the Assembly, and led to the following resolution :—

This Assembly having maturely considered the resolution of Congress of the 18th of April, 1783, recommending a mode to the several legislatures of ascertaining the proportions of the several states of the public expenditures, in lieu of the mode pointed out in the eighth article of Confederation,

DO VOTE AND RESOLVE, AND IT IS VOTED AND RESOLVED, That it is the sense of this Assembly, that the mode pointed out in the said article of

Confederation is more just and equal than that recommended in the aforesaid resolution of the 18th of April, 1783, and that this Assembly therefore adhere to the rule already established in the said article of Confederation.

AND IT IS FURTHER VOTED AND RESOLVED, That this Assembly will, as soon as may be, cause a valuation of the lands in this State to be made, pursuant to the aforesaid article, and when finished will forward the same to Congress.

By the eighth article of Confederation, taxes were to be apportioned to the several states according to the value of all the land and improvements thereon.

The amendment proposed that taxes should be borne in proportion to free population, including three-fifths of all others, excepting Indians. No valuation of land for this purpose was made in any of the states. Congress apportioned taxes with a proviso that the amount of each state should be made to conform to the estimates when made.

The other part of the recommendation of Congress, made February 18th, 1783, it seems, was not acted on at this session of the Assembly.

At the same session the General Assembly passed the following act:—

IT IS ENACTED BY THE GENERAL ASSEMBLY, AND BY THE AUTHORITY THEREOF IT IS ENACTED, That William Ellery, David Howell and John Brown, Esqrs., (Henry Marchant Esq., having resigned,) who were chosen delegates to Congress, at the election in May last, shall serve in Congress for one year, to commence on the first Monday in November next; and that the time of service of the delegates who shall hereafter be annually elected to serve in Congress for one year, shall commence on the first Monday in November next ensuing their appointment.

At the same session the Assembly passed the following resolution:—

WHEREAS, by a resolution of this Assembly, passed at the present session, the delegates chosen to represent this State in Congress, at the election in May last, and who accepted their appointment, are authorized and empowered to serve in Congress for one year to commence on the first Monday in No-

vember next ; and whereas doubts may arise respecting the powers of the said delegates to represent this State in Congress, if the same should be specially convened before that time, or in the Committee of the States, wherefore,

IT IS VOTED AND RESOLVED, That the said delegates, or any two of them are hereby authorized and empowered to represent this State in Congress, if the same should be specially convened, or either of them in the Committee of the States, until the said first Monday of November, any thing in the said resolution to the contrary notwithstanding.

The following resolution was passed at the session in August :—

IT IS VOTED AND RESOLVED, That William Ellery and John Brown, Esqrs., be, and they are hereby, directed to attend Congress as delegates from this State, in November next, to which time Congress stands adjourned ; and that the said delegates previous to their leaving this State, attend this General Assembly to receive such directions and instructions as may be thought necessary.

If they attended the Assembly for the above named purpose and received “any directions and instructions,” they must have been verbal ones. No reference is made to the subject in the records of the Assembly.

At the October session, on the representation of Mr. Brown that it would be extremely inconvenient for him to attend Congress at their adjournment, the Assembly,

VOTED AND RESOLVED, That David Howell, Esq., be, and he is, hereby requested to proceed with William Ellery, Esq., to Congress, as soon as possible.

It does not appear from the Journals of Congress, that Mr. Brown was at any time present in Congress during his term of office.

The following report of a committee was adopted by the Assembly at the October session, 1785 :—

The committee to whom was referred the public despatches, beg leave to report : Upon the letter from the Secretary of Congress, dated at New

York, the 3d of August, enclosing the duplicate of a former despatch and reports in Congress respecting the federal representation, that his Excellency the Governor, be requested to write the Secretary of Congress, informing him that, as the evils resulting from a deficient representation are not chargeable in any material degree upon this State, and that as the public economy is an object of the greatest importance, the Legislature do not think it expedient at present to increase the number of their delegates in actual session ; but that this State will agree that any one state be represented by a single voice in the National Council, whenever all the other states will agree to the same. The committee also submit to the wisdom of the House, the expediency of immediately electing delegates to represent this State in the next annual meeting of the United States in Congress:

Upon another letter from the Secretary of Congress, dated at New York, the 28th of July last, enclosing a resolution of Congress requesting thirteen copies of the legislative acts of this State, since 1774, that the House now appoint a time for entering into a full consideration of the revision of the laws of this State, as the same has been effected by their committee ; and that his Excellency the Governor be requested to inform the Secretary of Congress that this State will comply with said requisition as soon as practicable.

The resolution of Congress, passed September 27th, 1785, requiring of this State sixty-four thousand six hundred and thirty-six dollars, as its quota of three millions of dollars, for paying the interest on the national debt, and for other purposes therein mentioned, was adopted by the General Assembly at the same session, and means were provided for the payment of the same out of a tax of twenty thousand pounds ordered in August, and payable on the first of January, 1786.

Congress was in session at Annapolis on the first Wednesday in May, 1784. Mr. Ellery and Mr. Howell were then present. On the 13th of that month, the committee on the qualifications of members, to wit. : — Mr. Sherman, of Connecticut ; Mr. Beatty, of New Jersey ; Mr. Chase, of Maryland ; Mr. Williamson, of North Carolina ; Mr. Gerry, of Massachusetts, submitted the following report : —

That the delegates from the State of Rhode Island and Providence Plantations, now in Congress, were elected on the first Wednesday in May, 1783, by the votes of the freemen of said State ; that by a law of said State, the delegates are to be elected annually, on the first Wednesday in May ; that by an act of the legislature of the said State, of the 22d of August, 1777, it is resolved, "That the delegates appointed, or who may be appointed to represent this State in Congress, be, and they, or either of them, are hereby empowered to represent said State in Congress, until they, or either of them, shall have due notice of their reelection, or until the delegates who may be appointed in their room shall take their seats in Congress, the act directing the election of the said delegates for one year to the contrary notwithstanding." That none of the delegates of the said State took their seats in Congress under said appointment of May, 1783, until the 30th day of June last, the certificate of their appointment being first produced and read in Congress on that day, which is in the words following :—

"STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

I certify that at the anniversary election of officers, civil and military, for the State aforesaid, held on the first Wednesday in May, A. D. 1783, the Hon. William Ellery, Jonathan Arnold, David Howell and Henry Marchant, Esqs., were elected delegates to represent the said State in the Congress of the United States of America, for one year, and until others shall be appointed in their stead and appear to take their place.

HENRY WARD, Sec'y."

That by the fifth of the Articles of Confederation it is agreed "That delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November in every year."

Whereupon your committee are of opinion that no state has a right to empower its delegates to sit in Congress more than one year, under one appointment, and that the year for which the said delegates of the State of Rhode Island were appointed is expired.

The day following was assigned for the consideration of this report. On the 15th of May the report was taken up and a division called for.

On the question to agree to the first clause, to wit :—"That no state has a right to empower its delegates to sit in Congress more than one year, under one appointment," the yeas

York, the 3d of August, enclosing the duplicate of a former despatch and reports in Congress respecting the federal representation, that his Excellency the Governor, be requested to write the Secretary of Congress, informing him that, as the evils resulting from a deficient representation are not chargeable in any material degree upon this State, and that as the public economy is an object of the greatest importance, the Legislature do not think it expedient at present to increase the number of their delegates in actual session ; but that this State will agree that any one state be represented by a single voice in the National Council, whenever all the other states will agree to the same. The committee also submit to the wisdom of the House, the expediency of immediately electing delegates to represent this State in the next annual meeting of the United States in Congress:

Upon another letter from the Secretary of Congress, dated at New York, the 28th of July last, enclosing a resolution of Congress requesting thirteen copies of the legislative acts of this State, since 1774, that the House now appoint a time for entering into a full consideration of the revision of the laws of this State, as the same has been effected by their committee ; and that his Excellency the Governor be requested to inform the Secretary of Congress that this State will comply with said requisition as soon as practicable.

The resolution of Congress, passed September 27th, 1785, requiring of this State sixty-four thousand six hundred and thirty-six dollars, as its quota of three millions of dollars, for paying the interest on the national debt, and for other purposes therein mentioned, was adopted by the General Assembly at the same session, and means were provided for the payment of the same out of a tax of twenty thousand pounds ordered in August, and payable on the first of January, 1786.

Congress was in session at Annapolis on the first Wednesday in May, 1784. Mr. Ellery and Mr. Howell were then present. On the 13th of that month, the committee on the qualifications of members, to wit. : — Mr. Sherman, of Connecticut ; Mr. Beatty, of New Jersey ; Mr. Chase, of Maryland ; Mr. Williamson, of North Carolina ; Mr. Gerry, of Massachusetts, submitted the following report : —

That the delegates from the State of Rhode Island and Providence Plantations, now in Congress, were elected on the first Wednesday in May, 1783, by the votes of the freemen of said State; that by a law of said State, the delegates are to be elected annually, on the first Wednesday in May; that by an act of the legislature of the said State, of the 22d of August, 1777, it is resolved, "That the delegates appointed, or who may be appointed to represent this State in Congress, be, and they, or either of them, are hereby empowered to represent said State in Congress, until they, or either of them, shall have due notice of their reëlection, or until the delegates who may be appointed in their room shall take their seats in Congress, the act directing the election of the said delegates for one year to the contrary notwithstanding." That none of the delegates of the said State took their seats in Congress under said appointment of May, 1783, until the 30th day of June last, the certificate of their appointment being first produced and read in Congress on that day, which is in the words following:—

"STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

I certify that at the anniversary election of officers, civil and military, for the State aforesaid, held on the first Wednesday in May, A. D. 1783, the Hon. William Ellery, Jonathan Arnold, David Howell and Henry Marchant, Esqs., were elected delegates to represent the said State in the Congress of the United States of America, for one year, and until others shall be appointed in their stead and appear to take their place.

HENRY WARD, Sec'y."

That by the fifth of the Articles of Confederation it is agreed "That delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November in every year."

Whereupon your committee are of opinion that no state has a right to empower its delegates to sit in Congress more than one year, under one appointment, and that the year for which the said delegates of the State of Rhode Island were appointed is expired.

The day following was assigned for the consideration of this report. On the 15th of May the report was taken up and a division called for.

On the question to agree to the first clause, to wit:—"That no state has a right to empower its delegates to sit in Congress more than one year, under one appointment," the yeas

and nays being requested by Mr. Howell, it was resolved in the affirmative, every member answering, aye.

On the question to agree to the second clause, to wit: — “That the year for which the said delegates of the State of Rhode Island were appointed is expired,” the yeas and nays being required by Mr. Howell, the state of New Hampshire voted, no; the state of Connecticut, no; the state of Pennsylvania, aye; the state of Maryland, aye; the state of Virginia, aye; the state of South Carolina, aye; and the states of Massachusetts, New York and New Jersey were divided, one delegate from each voting, aye, and the other, no. And so the question was lost, the Articles of Confederation providing that each state should have one vote, and that no question, except for adjourning from day to day, should “be determined, unless by a majority of the United States in Congress assembled.”

On the 18th of May, Mr. Howell, rising to speak on a motion pending, was called to order, and the following question was put to the House: —

Is Mr. Howell in order to speak as a member of Congress?

On this question, New Hampshire, Massachusetts, Connecticut, New York, New Jersey and Pennsylvania voted, aye; Virginia voted, no; Maryland was divided, and only one member was present from North and South Carolina, both of whom voted, no. Mr. Ellery and Mr. Howell voted, aye. The votes of Mr. Ellery and Mr. Howell were objected to.

The following day, May 19th, “a motion was made by Mr. Mercer, of Virginia, and seconded by Mr. Spaight, of North Carolina, as follows:” —

The votes of Mr. Ellery and Mr. Howell, on behalf of the State of Rhode Island, were objected to when the preceding vote was put, as not being members of Congress, and that for the following reasons: — The right of these gentlemen to represent the State of Rhode Island was stated in a

report of the Committee of Qualifications, entered on the Journals on the 13th day of the present month, in the words following : — * * *

* * * from which it appears that Mr. Ellery and Mr. Howell claimed the right to sit and act as members of Congress, from an act of the Legislature of that State, passed on the 22d of August, 1777, which contains the following words : —

“ That the delegates appointed, or who may be appointed, to represent this State in Congress be, and they, or either of them, are hereby empowered to represent said State in Congress, until they, or either of them, shall have due notice of their reelection, or until the delegates who may be appointed in their room shall take their seats in Congress, the act directing the election of said delegates for one year to the contrary notwithstanding.”

And the said Mr. Ellery and Mr. Howell affirmed that the said act gave them a right, under the Confederation, to represent the State of Rhode Island, after a year from the time of their election, as aforesaid, had expired ; so that they did not exceed the term of a year after first taking their seats in Congress. And the right of Mr. Ellery and Mr. Howell to sit and act in Congress, depended on a construction of the said act of Rhode Island and the Confederation, and the fact that the year from the time of their appointment as aforesaid had expired on the — day of May inst., being agreed and admitted. The question upon the report of the committee of qualifications, under these circumstances, being taken in Congress, four states voted against the construction affirmed by Mr. Ellery and Mr. Howell, two in favor of such construction, and three were divided ; and when the preceding question was taken, there appearing but seven states in the affirmative, including the State of Rhode Island, and the question, from its nature, involving the right of Mr. Ellery and Mr. Howell to sit and act as members of Congress, who were the only persons answering for that State, the decision of Congress is required : —

Whether the State of Rhode Island shall be entered, on the Journals, as voting on the preceding question.

On a motion to commit, five states voted, yea, one state voted, no, and the delegates from Rhode Island, three states were divided, and one represented by only one delegate had no vote. “ So the question was lost.”

After debate, the foregoing motion was withdrawn and the following was made by Mr. Mercer, of Virginia, seconded by Mr. Stone, of Maryland : —

The votes of Mr. Ellery and Mr. Howell, in behalf of the State of Rhode Island, on the question entered on the Journal in the following words :—

“ Is Mr. Howell in order to speak as a member of Congress ? ”

Having been objected to as not being a member of Congress, and it being alleged that the question, in its nature, involved the question of the right of these gentlemen to act as members of Congress, and they being the only persons appearing to vote for the said State, the decision of Congress is required, whether Rhode Island shall be entered on the Journal as voting on that question.

A motion was made by Mr. Chase of Maryland, seconded by Mr. Lee of Virginia, “ to postpone that motion in order to take up the following, ”—the votes of Mr. Ellery and Mr. Howell, on behalf of the State of Rhode Island, being objected to when the preceding motion was put :—

Have Mr. Ellery and Mr. Howell a right to speak and vote as members of Congress, after the following question, to wit :— “ That the grant for which the said delegates of the State of Rhode Island were appointed, is expired, had been taken on the report of the committee of qualifications, and lost, as appears by the yeas and noes. ”

On the question to postpone for the purpose above mentioned, five states voted, aye, besides the delegates from Rhode Island ; three states, no ; one was divided, and one present by only one delegate had no vote. So the question was lost.

A motion was then made by Mr. Sherman, of Connecticut, “ seconded by Mr. Beatty, ” of New Jersey, to strike out the following words :— “ it being alleged that the question in its nature involved the question of the right of those gentlemen to act as members of Congress. ” And on the question, shall these words stand ? the yeas and nays being required by Mr. Stone of Maryland, Pennsylvania, Virginia, North Carolina and South Carolina, voted, aye ; New York and Maryland were divided ; New Hampshire, Massachusetts, Connecticut, New Jersey and the delegates of Rhode Island,

no. "So the question was lost, and the words were struck out."

The motion being amended to read : —

The votes of Mr. Ellery and Mr. Howell, on behalf of the State of Rhode Island, on the question entered on the Journal in the following words : —

Is Mr. Howell in order to speak as a member of Congress, having been objected to as not being members of Congress, and they being the only persons appearing to vote for the said State.

The decision of Congress is required, whether Rhode Island shall be entered on the Journal as voting on said question?

And on the question the yeas and nays being required by Mr. Blanchard, of New Hampshire—

New Hampshire, Massachusetts, Connecticut, New York, and New Jersey, and the delegates from Rhode Island, voted, aye ; and Pennsylvania, Virginia, North Carolina and South Carolina, no. Maryland was divided. "So the question was lost."

On the 20th of May, "a motion was made by Mr. Read," of South Carolina, "seconded by Mr. Spaight," of North Carolina, "for the purpose of removing the names of Mr. Ellery and Mr. Howell from the Journal, on the question taken on the 19th inst. by propounding the question, Shall the names of Mr. Ellery and Mr. Howell stand ?

"This was objected to by Mr. Sherman," of Connecticut, and Mr. Partridge, of Massachusetts, "as being out of order." And on the question, "Is the motion in order? the yeas and nays being required by Mr. Blanchard," of New Hampshire,—Pennsylvania, Virginia and North Carolina, voted, aye, with the only delegate present from North Carolina, and New Hampshire, Rhode Island, Connecticut, with the only delegate present from Massachusetts, voted, no ; and two states, New York and New Jersey were divided. "So the question was lost."

On the 24th of May, a motion was made by the delegates

of Virginia, seconded by the delegates of South Carolina, in the words following :—

The delegates representing the states of Virginia and South Carolina in the Congress of the United States, have maturely considered the report of the committee of qualifications, on the case of Mr. Ellery and Mr. Howell, who claimed to represent the State of Rhode Island in Congress, which report is entered on the Journal on the 13th day of the present month, and also the resolution reported by the said committee ; whereon four states in Congress voted that the time of service of the said Mr. Ellery and Mr. Howell had expired on the 7th inst. agreeably to the sense and letter of the Articles of Confederation, two states only voting in the negative and three states being divided. They have given all due attention to the proceedings of Congress on the said case of Mr. Ellery and Mr. Howell, as they appear on the Journals of the 15th inst., together with the facts, evidence and arguments adduced, as well by the said committee as by the said Mr. Ellery and Mr. Howell. And after full consideration of the same, they judge it to be their duty as members of the United States in Congress and on behalf of the states they represent, to object to and protest against the exercise of those sovereign powers, delegated by the citizens of these states to the United States in Congress assembled, by the said Mr. Ellery and Mr. Howell, or either of them, as being persons unauthorized according to the Articles of Confederation. They contend that consistently with the invariable laws of reason and the universal practice of representative bodies, all persons who claim to exercise jointly with others, the powers of government, must, if that claim is contested, either when first offered or at any time posterior thereto, show by what right they declaim ; and more especially the said delegates do assent that in a body constituted as Congress is, where sovereign states have agreed to invest persons chosen by other states with the power of governing themselves respectively, and have designated by compact how those persons shall be constituted, each state ought to have and has an undoubted right to inquire, whether the rules laid down in that compact have been adhered to in the appointment of those persons, to whom without the powers of election on removing or punishing, they have submitted their dearest rights and interests.

When such inquiry is made and the powers of persons so contested, they do insist upon it as a right, which no state ought or can of right, be deprived of, to have such questioned powers clearly proved and judicially established before they shall be exercised. For otherwise, the exercise would determine the question of right. The said delegates consider Congress as the only tribunal competent to decide on the right of persons claiming to act

as members of their body. This is a power which all legislative bodies invariably exercise, and which must, of necessity, reside in them alone. And they are decidedly of opinion, that to have such right established by Congress, an affirmative vote is indispensably requisite. A direct affirmation of a right in order to establish it, is required by reason and is used in practice. On the contrary, to ground a right on an inference to be drawn from a proposition passed in the negative is equally contradictory to reason and custom. A proposition not carried, determines nothing. How absurd then, would it be to establish a right by a vote which determines nothing. They apprehend that to admit that one or two states may continue a representation in Congress contrary to the opinion of a much greater number of states, who are decided that such a representation is unauthorized by the Confederation, would be establishing a principle fraught with dangerous consequences to the Union, and justly alarming to the citizens thereof, who have a right to expect that those and those alone whom they have constitutionally authorized to govern them, shall be admitted to exercise sovereign authority; who have right to demand from their delegates to be defended and protected from such usurpation and violence.

When the acts of the United States go forth as the acts of persons whose right to govern is unimpeached, their validity will be unquestioned by the people. But when vitiated acts passed by the voice of persons whom a large majority of the members representing the confederacy, consider as intruding into the councils of the Union are issued, obedience cannot be expected and ought not to be wished. If representations may be continued by the voice of one or two states, that check provided by the Constitution, which directs that representatives in Congress, shall exist there, only by the voice of their constituents, and the Confederation, is lost, and suspicions may be excited among the people at large, that persons may at some future period, by the acts of a few designing members, be continued in Congress to the destruction of the Constitution and establishment of oligarchy. On the contrary, they must observe, that to require an affirmative voice of the United States to establish the right of members, may possibly be productive of some delay in business, until states advised of the errors which vitiate their appointments shall have time to rectify them. On this side they see a possible temporary inconvenience, but on the other, they discover a certain and actual violation of the Constitution.

Still, however, reduced by the perseverance of Mr. Ellery and Mr. Howell to the alternative of stopping the business of the United States, at a very critical moment, or proceeding to act with them, they have judged it most advisable to prefer the latter, under a determination, on all questions where the interests of the Union at large or that of the states they represent, may

be materially affected, to have it stated, by the yeas and nays, the manner in which they are carried ; saving to themselves and to the states they represent, the right they may have to invalidate acts passed in Congress, wherein the voices of Mr. Ellery and Mr. Howell are deciding on the question ; and also declaring and protesting against such acquiescence in the conduct of those gentlemen, which they deem to be irregular and unjustifiable, being ever hereafter considered as a precedent in similar cases.

Effectually to prevent which, and in order to establish a rule of proceeding, which they consider is required by reason and Confederation, they propose the following resolution : —

RESOLVED, That when any state shall object to the credentials under which persons may claim to act as members of Congress, such credentials shall be submitted to a committee of qualifications, who shall forthwith report to Congress a state of facts and evidence, as they appear to them, but giving no opinion thereon ; and seven states in Congress then agreeing that such credentials convey to persons so claiming a right to act as members of Congress, then such persons shall be admitted to act under such credentials, and if seven states shall not so agree, they shall not be permitted to sit in Congress, but the President for the time being shall, and he is hereby directed, to transmit to the state issuing such credentials, an authentic copy of the objections as they appear on the report of the committee of qualifications, in order that any error therein may be rectified.

A motion was made by Mr. Howell, seconded by Mr. Ellery, to postpone the consideration of the foregoing motion in order to take up the following, to wit. : —

WHEREAS, The question on the report of the committee of qualifications, on the credentials of the delegates of the State of Rhode Island and Providence Plantations, was taken and lost on the 15th inst. ; and whereas, since that period, the said delegates have been continually called to order, and have not been permitted to speak or vote in Congress, without interruption from some members,

RESOLVED, That after delegates shall have been received as members into Congress, on sufficient credentials for one year, such delegates so admitted shall not be excluded from the House, but by the voice of seven states.

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. Howell, New Hampshire, Massachusetts, Rhode Island, Connecticut

and New Jersey voted, aye; Pennsylvania, Virginia and South Carolina voted, no; New York and Maryland were divided, and North Carolina, having but one delegate present, had no vote. "So the question was lost."

On the question to agree to the resolution proposed by the delegates for Virginia and South Carolina, the yeas and nays being required by Mr. Hardy, of Virginia, Pennsylvania, Virginia, and South Carolina voted, aye; New Hampshire, Massachusetts, Rhode Island, Connecticut, and New Jersey voted, no; New York was divided, and North Carolina, having but one delegate present, had no vote. "So the question was lost."

And thus ended this protracted controversy, and the delegates continued in their seats, acting and voting as members till the adjournment of Congress, on the 3d day of June.

On Saturday, the 29th of May, Congress appointed "a Committee of the States" by ballot, to sit in the recess of Congress. Such a committee was authorized by the Articles of Confederation, which required it to consist of one from each state, and authorized Congress to confer on it any or all their powers, except such as required the assent of nine states.

The Journal of Monday following commences with the following proceedings, which intimate that all the feeling excited the preceding week, in relation to the delegates from this State, had not wholly subsided.

The Journal of Saturday being read, a motion was made by Mr. Mercer of Virginia, seconded by Mr. Hardy, also of Virginia, to amend the same by inserting immediately before the appointment of the Committee of the States, the words following:—

"The several states having previously made their nominations, except in the case of Rhode Island."

On this the previous question was moved by the State of Rhode Island, seconded by the state of Massachusetts; and

Confederation is more just and equal than that recommended in the aforesaid resolution of the 18th of April, 1783, and that this Assembly therefore adhere to the rule already established in the said article of Confederation.

AND IT IS FURTHER VOTED AND RESOLVED, That this Assembly will, as soon as may be, cause a valuation of the lands in this State to be made, pursuant to the aforesaid article, and when finished will forward the same to Congress.

By the eighth article of Confederation, taxes were to be apportioned to the several states according to the value of all the land and improvements thereon.

The amendment proposed that taxes should be borne in proportion to free population, including three-fifths of all others, excepting Indians. No valuation of land for this purpose was made in any of the states. Congress apportioned taxes with a proviso that the amount of each state should be made to conform to the estimates when made.

The other part of the recommendation of Congress, made February 18th, 1783, it seems, was not acted on at this session of the Assembly.

At the same session the General Assembly passed the following act:—

IT IS ENACTED BY THE GENERAL ASSEMBLY, AND BY THE AUTHORITY THEREOF IT IS ENACTED, That William Ellery, David Howell and John Brown, Esqrs., (Henry Marchant Esq., having resigned,) who were chosen delegates to Congress, at the election in May last, shall serve in Congress for one year, to commence on the first Monday in November next; and that the time of service of the delegates who shall hereafter be annually elected to serve in Congress for one year, shall commence on the first Monday in November next ensuing their appointment.

At the same session the Assembly passed the following resolution:—

WHEREAS, by a resolution of this Assembly, passed at the present session, the delegates chosen to represent this State in Congress, at the election in May last, and who accepted their appointment, are authorized and empowered to serve in Congress for one year to commence on the first Monday in No-

venner next; and whereas doubts may arise respecting the powers of the said delegates to represent this State in Congress, if the same should be specially convened before that time, or in the Committee of the States, wherefore,

IT IS VOTED AND RESOLVED, That the said delegates, or any two of them are hereby authorized and empowered to represent this State in Congress, if the same should be specially convened, or either of them in the Committee of the States, until the said first Monday of November, any thing in the said resolution to the contrary notwithstanding.

The following resolution was passed at the session in August:—

IT IS VOTED AND RESOLVED, That William Ellery and John Brown, Esqrs., be, and they are hereby, directed to attend Congress as delegates from this State, in November next, to which time Congress stands adjourned; and that the said delegates previous to their leaving this State, attend this General Assembly to receive such directions and instructions as may be thought necessary.

If they attended the Assembly for the above named purpose and received “any directions and instructions,” they must have been verbal ones. No reference is made to the subject in the records of the Assembly.

At the October session, on the representation of Mr. Brown that it would be extremely inconvenient for him to attend Congress at their adjournment, the Assembly,

VOTED AND RESOLVED, That David Howell, Esq., be, and he is, hereby requested to proceed with William Ellery, Esq., to Congress, as soon as possible.

It does not appear from the Journals of Congress, that Mr. Brown was at any time present in Congress during his term of office.

The following report of a committee was adopted by the Assembly at the October session, 1785:—

The committee to whom was referred the public despatches, beg leave to report: Upon the letter from the Secretary of Congress, dated at New

York, the 3d of August, enclosing the duplicate of a former despatch and reports in Congress respecting the federal representation, that his Excellency the Governor, be requested to write the Secretary of Congress, informing him that, as the evils resulting from a deficient representation are not chargeable in any material degree upon this State, and that as the public economy is an object of the greatest importance, the Legislature do not think it expedient at present to increase the number of their delegates in actual session ; but that this State will agree that any one state be represented by a single voice in the National Council, whenever all the other states will agree to the same. The committee also submit to the wisdom of the House, the expediency of immediately electing delegates to represent this State in the next annual meeting of the United States in Congress:

Upon another letter from the Secretary of Congress, dated at New York, the 28th of July last, enclosing a resolution of Congress requesting thirteen copies of the legislative acts of this State, since 1774, that the House now appoint a time for entering into a full consideration of the revision of the laws of this State, as the same has been effected by their committee ; and that his Excellency the Governor be requested to inform the Secretary of Congress that this State will comply with said requisition as soon as practicable.

The resolution of Congress, passed September 27th, 1785, requiring of this State sixty-four thousand six hundred and thirty-six dollars, as its quota of three millions of dollars, for paying the interest on the national debt, and for other purposes therein mentioned, was adopted by the General Assembly at the same session, and means were provided for the payment of the same out of a tax of twenty thousand pounds ordered in August, and payable on the first of January, 1786.

Congress was in session at Annapolis on the first Wednesday in May, 1784. Mr. Ellery and Mr. Howell were then present. On the 13th of that month, the committee on the qualifications of members, to wit. : — Mr. Sherman, of Connecticut ; Mr. Beatty, of New Jersey ; Mr. Chase, of Maryland ; Mr. Williamson, of North Carolina ; Mr. Gerry, of Massachusetts, submitted the following report : —

That the delegates from the State of Rhode Island and Providence Plantations, now in Congress, were elected on the first Wednesday in May, 1783, by the votes of the freemen of said State ; that by a law of said State, the delegates are to be elected annually, on the first Wednesday in May ; that by an act of the legislature of the said State, of the 22d of August, 1777, it is resolved, "That the delegates appointed, or who may be appointed to represent this State in Congress, be, and they, or either of them, are hereby empowered to represent said State in Congress, until they, or either of them, shall have due notice of their reëlection, or until the delegates who may be appointed in their room shall take their seats in Congress, the act directing the election of the said delegates for one year to the contrary notwithstanding." That none of the delegates of the said State took their seats in Congress under said appointment of May, 1783, until the 30th day of June last, the certificate of their appointment being first produced and read in Congress on that day, which is in the words following :—

"STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

I certify that at the anniversary election of officers, civil and military, for the State aforesaid, held on the first Wednesday in May, A. D. 1783, the Hon. William Ellery, Jonathan Arnold, David Howell and Henry Marchant, Esqs., were elected delegates to represent the said State in the Congress of the United States of America, for one year, and until others shall be appointed in their stead and appear to take their place.

HENRY WARD, Sec'y."

That by the fifth of the Articles of Confederation it is agreed "That delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November in every year."

Whereupon your committee are of opinion that no state has a right to empower its delegates to sit in Congress more than one year, under one appointment, and that the year for which the said delegates of the State of Rhode Island were appointed is expired.

The day following was assigned for the consideration of this report. On the 15th of May the report was taken up and a division called for.

On the question to agree to the first clause, to wit : —"That no state has a right to empower its delegates to sit in Congress more than one year, under one appointment," the yeas

and nays being requested by Mr. Howell, it was resolved in the affirmative, every member answering, aye.

On the question to agree to the second clause, to wit: — "That the year for which the said delegates of the State of Rhode Island were appointed is expired," the yeas and nays being required by Mr. Howell, the state of New Hampshire voted, no; the state of Connecticut, no; the state of Pennsylvania, aye; the state of Maryland, aye; the state of Virginia, aye; the state of South Carolina, aye; and the states of Massachusetts, New York and New Jersey were divided, one delegate from each voting, aye, and the other, no. And so the question was lost, the Articles of Confederation providing that each state should have one vote, and that no question, except for adjourning from day to day, should "be determined, unless by a majority of the United States in Congress assembled."

On the 18th of May, Mr. Howell, rising to speak on a motion pending, was called to order, and the following question was put to the House: —

Is Mr. Howell in order to speak as a member of Congress?

On this question, New Hampshire, Massachusetts, Connecticut, New York, New Jersey and Pennsylvania voted, aye; Virginia voted, no; Maryland was divided, and only one member was present from North and South Carolina, both of whom voted, no. Mr. Ellery and Mr. Howell voted, aye. The votes of Mr. Ellery and Mr. Howell were objected to.

The following day, May 19th, "a motion was made by Mr. Mercer, of Virginia, and seconded by Mr. Spaight, of North Carolina, as follows: —

The votes of Mr. Ellery and Mr. Howell, on behalf of the State of Rhode Island, were objected to when the preceding vote was put, as not being members of Congress, and that for the following reasons: — The right of these gentlemen to represent the State of Rhode Island was stated in a

report of the Committee of Qualifications, entered on the Journals on the 13th day of the present month, in the words following: — * * *

* * * from which it appears that Mr. Ellery and Mr. Howell claimed the right to sit and act as members of Congress, from an act of the Legislature of that State, passed on the 22d of August, 1777, which contains the following words: —

“That the delegates appointed, or who may be appointed, to represent this State in Congress be, and they, or either of them, are hereby empowered to represent said State in Congress, until they, or either of them, shall have due notice of their reelection, or until the delegates who may be appointed in their room shall take their seats in Congress, the act directing the election of said delegates for one year to the contrary notwithstanding.”

And the said Mr. Ellery and Mr. Howell affirmed that the said act gave them a right, under the Confederation, to represent the State of Rhode Island, after a year from the time of their election, as aforesaid, had expired; so that they did not exceed the term of a year after first taking their seats in Congress. And the right of Mr. Ellery and Mr. Howell to sit and act in Congress, depended on a construction of the said act of Rhode Island and the Confederation, and the fact that the year from the time of their appointment as aforesaid had expired on the — day of May inst., being agreed and admitted. The question upon the report of the committee of qualifications, under these circumstances, being taken in Congress, four states voted against the construction affirmed by Mr. Ellery and Mr. Howell, two in favor of such construction, and three were divided; and when the preceding question was taken, there appearing but seven states in the affirmative, including the State of Rhode Island, and the question, from its nature, involving the right of Mr. Ellery and Mr. Howell to sit and act as members of Congress, who were the only persons answering for that State, the decision of Congress is required: —

Whether the State of Rhode Island shall be entered, on the Journals, as voting on the preceding question.

On a motion to commit, five states voted, yea, one state voted, no, and the delegates from Rhode Island, three states were divided, and one represented by only one delegate had no vote. “So the question was lost.”

After debate, the foregoing motion was withdrawn and the following was made by Mr. Mercer, of Virginia, seconded by Mr. Stone, of Maryland: —

The votes of Mr. Ellery and Mr. Howell, in behalf of the State of Rhode Island, on the question entered on the Journal in the following words : —

“ Is Mr. Howell in order to speak as a member of Congress ? ”

Having been objected to as not being a member of Congress, and it being alleged that the question, in its nature, involved the question of the right of these gentlemen to act as members of Congress, and they being the only persons appearing to vote for the said State, the decision of Congress is required, whether Rhode Island shall be entered on the Journal as voting on that question.

A motion was made by Mr. Chase of Maryland, seconded by Mr. Lee of Virginia, “ to postpone that motion in order to take up the following, ” — the votes of Mr. Ellery and Mr. Howell, on behalf of the State of Rhode Island, being objected to when the preceding motion was put : —

Have Mr. Ellery and Mr. Howell a right to speak and vote as members of Congress, after the following question, to wit : — “ That the grant for which the said delegates of the State of Rhode Island were appointed, is expired, had been taken on the report of the committee of qualifications, and lost, as appears by the yeas and noes. ”

On the question to postpone for the purpose above mentioned, five states voted, aye, besides the delegates from Rhode Island ; three states, no ; one was divided, and one present by only one delegate had no vote. So the question was lost.

A motion was then made by Mr. Sherman, of Connecticut, “ seconded by Mr. Beatty, ” of New Jersey, to strike out the following words : — “ it being alleged that the question in its nature involved the question of the right of those gentlemen to act as members of Congress. ” And on the question, shall these words stand ? the yeas and nays being required by Mr. Stone of Maryland, Pennsylvania, Virginia, North Carolina and South Carolina, voted, aye ; New York and Maryland were divided ; New Hampshire, Massachusetts, Connecticut, New Jersey and the delegates of Rhode Island,

no. "So the question was lost, and the words were struck out."

The motion being amended to read : —

The votes of Mr. Ellery and Mr. Howell, on behalf of the State of Rhode Island, on the question entered on the Journal in the following words : —

Is Mr. Howell in order to speak as a member of Congress, having been objected to as not being members of Congress, and they being the only persons appearing to vote for the said State.

The decision of Congress is required, whether Rhode Island shall be entered on the Journal as voting on said question?

And on the question the yeas and nays being required by Mr. Blanchard, of New Hampshire—

New Hampshire, Massachusetts, Connecticut, New York, and New Jersey, and the delegates from Rhode Island, voted, aye ; and Pennsylvania, Virginia, North Carolina and South Carolina, no. Maryland was divided. "So the question was lost."

On the 20th of May, "a motion was made by Mr. Read," of South Carolina, "seconded by Mr. Spaight," of North Carolina, "for the purpose of removing the names of Mr. Ellery and Mr. Howell from the Journal, on the question taken on the 19th inst. by propounding the question, Shall the names of Mr. Ellery and Mr. Howell stand ?

"This was objected to by Mr. Sherman," of Connecticut, and Mr. Partridge, of Massachusetts, "as being out of order." And on the question, "Is the motion in order? the yeas and nays being required by Mr. Blanchard," of New Hampshire,—Pennsylvania, Virginia and North Carolina, voted, aye, with the only delegate present from North Carolina, and New Hampshire, Rhode Island, Connecticut, with the only delegate present from Massachusetts, voted, no ; and two states, New York and New Jersey were divided. "So the question was lost."

On the 24th of May, a motion was made by the delegates

pray you to lay it before the Assembly for their consideration. If their honor has been touched in the pressure of their delegates, I hope they will not forget their sovereignty, or be wanting in respect to themselves. If their delegates have committed the State, let them be censured.

Since the termination of this affair, we have had the pleasure of giving the vote of the State for the ordinance for putting the Office of Finance into commission, and of seeing that ordinance carried by that vote.

As this is probably the last official letter I may write, I must beg you to accept my thanks for the attention shown to me in your correspondence, and to assure the State that it will not be in the power of any future scenes I may pass through in life, to obliterate from my mind the grateful sense I entertain of the singular honor conferred on me by three successive elections, to the important station I hold in their service.

I am, &c.,

DAVID HOWELL.

P. S.—Next Thursday, the 8d of June, Congress will adjourn and leave the committee sitting. I propose to go up the Bay to the head of Elk, by water, and then take the stage to Philadelphia, where I must stay two or three days to obtain settlement of some accounts. I propose also to stay a few days in the Jerseys, with my relations, and to take passage from New York for Rhode Island. As the time of setting my face northward approaches, I feel an increasing anxiety to see my family and friends. Blessed be God, I have as yet been favored with perfect health, notwithstanding we have had some very hot days, and the sun's rays are daily approaching towards a perpendicular direction. I never enjoyed, in any period of my life, a better state of health than since I left home. I have not been sick a single day; I have not even had one bad cold, or any indisposition to prevent me from attending Congress a single day. I was indeed absent two or three stormy days in the winter, when I was pretty certain there would not be a House. But never have been out of the House when any business of consequence has been under consideration, during the whole time since I took my seat last July. Few members, I believe, can give a better account of themselves.

The principal gentlemen of this place are removing to their country seats. The horse races were attended here the week before last, and are all over, as are also the balls, routs, hops, fandangoes, and plays. I assure you there has been a merry winter in this place, according, at least, to accounts, for I have seen but little of their diversions. I did not even look out upon the horse races, although they were to be seen from the windows in the back room of the State House; nor have I attended a single play, although

the theatre has been open twice a week the chief of the winter, and the play house adjoins the house where I lodge. I have attended several balls, and been honored with sufficient attention from the principal people in the place.

Pray inform Mr. John Brown that, as no treaty has been entered into with the Emperor of Morocco, or the Barbary powers, Congress has issued nothing as yet in the nature of Mediterranean papers. The report on our motion for a pass for Capt. Sheldon has not been taken up, nor can anything be obtained in time to be of use to him.

I pray you to apologize to the Assembly, or to the Clerk at least, for the bad writing and inaccuracy of my letters. They have been written generally in haste and never copied. That is a business I never was fond of.

DAVID HOWELL.

DAVID HOWELL TO GOV. GREENE.

NEW YORK, January 12th, 1785.

SIR:—As I arrived at Trenton before a Congress was formed, I proceeded directly forward to Philadelphia and applied at the office of the paymaster general for settlement of accounts in behalf of our State's short levies, agreeably to order of Assembly. After putting this business in train I returned to Trenton and took a seat in Congress on the first day of the session.

A second journey to Philadelphia enabled me to complete the settlement; and I transmitted, by the hands of Mr. John Innes Clark, the certificates I obtained, to the general treasurer.

For want of material to fill up a letter, more than from any other cause, I have deferred writing to the present time. In justice to myself, I must also hint at another cause. It has been suggested to me that my former communications to the State have been too lengthy, and carry the appearance of a wish to obtrude my own political dogmas. I shall only observe that I am justified in this line of conduct by the communications of our foreign ministers to Congress; and even by the communications of Congress to the states, in which may be seen, not only a statement of facts, but opinions and reasonings, as well as scraps of letters from their servants, with their opinions and arguments, and even (so strong was their desire to illuminate,) the opinions and reasonings of the minister, a very respectable character, of a foreign court.

As I well knew that my letters were to be laid before men, who were not only tenacious of their rights but careful of understanding them, I have written with a frankness, which (at least, in my humble opinion,) the public has a right to expect from their servants, and to this day, I find no reason to retract or alter any thing I have written in my official character.

If it is the character of a politician to conceal, or to deliver with reserve

and cryptically his opinions—to keep a watchful eye on the tide of popular opinion—and in all events to aim chiefly at bringing off his own dear self in a whole skin, I thank God I am no politician! From the time it first pleased my fellow-citizens to raise me into the political world, I have neglected no opportunity of rendering them the best services within the compass of my poor abilities and of obtaining information of the transactions on that great theatre. I am now soon to retire to my little cottage. I shall do it with a cheerful mind and a clear conscience as to my official conduct; but not without great anxiety for the fate of my country.

Avarice, ambition, or the lust of power and all the baser passions, are so much more active and prevalent than the virtues, with which they stand contrasted, that it is not strange to see the government of this world commonly in the hands of the vilest men in it. "There is," says an excellent writer, "in every human society, an effort continually tending to confer on one part the height of power and happiness and to reduce the other to the extreme of weakness and misery." And whoever contemplates the different kingdoms, empires and states throughout the world, the nature of the governments and the condition of the people, will be affected, if capable of feeling, with the wretchedness of his fellow-men, and will be constrained to drop a sympathetic tear over the ruins of human nature.

"Ye gods! what havoc does ambition make among your works!" The United States furnish the world with a rare instance of freedom, and a wise system of political constitution happily calculated to secure it. But, alas! How restless are many of our rulers to engross more power? How easily are the people imposed upon and duped out of their rights? What artifice, what management have already taken place in our public affairs. I cannot however, close this dull and gloomy letter without making one consoling remark, and in that I am warranted—that the seasonable and firm stand made by Rhode Island against the all-grasping hand of power, in the case of duties, has saved the United States! And I should be wanting, as well in duty to the State, as to my own feelings, if I should neglect to inform them that they have the thanks of thousands of the wisest and best men in the Union for their conduct. The Journals of our proceedings at Trenton, are not yet printed: I hope the ordinance, which has been published in the newspapers, establishing the permanent residence of Congress near the falls of Delaware, and the temporary residence in this city, will meet with the approbation of the State. Should the commissioners to be appointed to erect the federal buildings make an advantageous purchase of soil, the sale of lots, it is expected, will reduce the sum appropriated to that use.

As I voted against the resolution of Congress, which puts all the letters received from our foreign ministers under an injunction of secrecy, by the

yeas and nays, which, by the way, are not published in our Journals. I have a right to offer that as an apology to the State for not sending forward an account of the contents of such letters as have been received since I left Congress last summer. Such parts of them, however, as are thought necessary to answer a certain purpose will be sent forward to the states, but under the strict injunctions of secrecy.

I pray your Excellency to be assured of my constant attention to the interests of the State, and of the great respect and esteem,

With which I have the honor to be, your Excellency's

Most obedient and very humble servant,

DAVID HOWELL.

WILLIAM ELLERY TO GOV. GREENE.

NEW YORK, Jan. 28th, 1785.

I have received your Excellency's letter, enclosing a copy of the mode of making Parmesan cheese, which was transmitted to your lady by Dr. Franklin, for which be pleased to accept my thanks.

Since the arrival of Congress at this city, we have attempted much business, but only a little has been completed. The most important affairs are in the hands of a grand committee : — such as a proposal to empower Congress to regulate the trade of the United States ; to form a requisition for the present year ; to frame and establish a mint ; an application to Congress from the state of Massachusetts, for an explanation of that article of the treaty of peace which respects bona fide debts, &c.

After repeated efforts to choose Commissioners for the Treasury, Messrs. Samuel Osgood, of Massachusetts ; Walter Livingston, of this state ; and John L. Jervaise, of Charleston, South Carolina, are at last elected.

Before this letter reaches you, you will have heard and seen the resolution of Congress relative to a federal town. Nothing but the loss of time attending the vibrations of Congress ; the retardment of public business, and many other pernicious consequences resulting from the unsettled state of Congress, would have induced me to come into that measure, at a time when the great demands against the public are unsatisfied. We have not been able as yet to appoint commissioners to carry that resolution into execution, and I cannot conjecture when it will be done, for some members are opposed to the measure and will throw every obstruction in the way in their power, in order to defeat it, so that the federal town may be yet considered as in the air. If one should be erected, I should suppose that the banks of the Delaware would be preferred by our State to those of the Potomac, and I trust that the adjournment to this city, as it has brought my colleague and me nearer to our constituents, and, by increasing the busi-

ness of our packet boats, will throw some money into the State, will not be disagreeable.

We have received letters from our ministers abroad, which I dare not remark upon, because with regard to them we are under an injunction of secrecy. Paragraphs taken from those letters are transmitted to the Executives of each State, to be laid before the respective legislatures, under an injunction of secrecy. I supposed their being thus transmitted, and after the vote had passed desired, that the House would declare their sense, whether anything more was meant than to prevent copies thereof being taken and published. The House did not do it, but several members said that that was their intention. I think, in a time of peace, nothing should be kept secret in which the people at large are interested; and in republics especially, secrecy is very apt to beget suspicion.

Your Excellency knows my opinion with regard to the impost. I trust that nothing but the last necessity will induce our State to embrace it in its present form, if at all. It is probable that this State will not come into it, and if it should not, I think we ought not to be scared into it, by the inefficacious acts of Connecticut. If the report of the committee on the motion for empowering Congress to regulate trade by laying duties thereon, to be collected by the states and applied to their own use, should substantially correspond with the motion, we shall agree to it; because a uniformity of duties will prevent a variety of interests, and because I expect a handsome sum may be collected from such of the maritime powers as have disclosed very illiberal commercial principles.

We have not received a line from our commissioners for treating with the Indians, since the treaty at Fort Schuyler. I wish we could get the western territory under sale; but it will take time to do this. In the mean time, I hope that the people will be content to pay the interest of the public debt by direct taxation, and not be hurried by their impatience into measures which may prove pernicious to their liberty.

I am, with sentiments of the highest respect,

Your Excellency's most obedient servant,

WILLIAM ELLERY.

DAVID HOWELL TO GOV. GREENE.

NEW YORK, February 9th, 1785.

SIR:—In pursuance of the instructions of the honorable the General Assembly, their delegates have moved in Congress that the contractors for ox teams in 1781, should be paid their balance out of the last requisition. This motion is yet in the hands of a committee. It is our expectation to obtain a resolution authorizing the State to pay these balances out of the

requisition for the current year, the last requisition having been otherwise appropriated. And, indeed, this is all that Massachusetts could obtain for their contractors. A great deal of business lies before Congress in the hands of committees and in reports. It is easy to perceive that the tardiness of the delegates in assembling at Trenton, together with the adjournment to this city, must have prevented us from the expected dispatch of public business. I have the pleasure, however, to observe that eleven states are now on the floor, and that a good degree of harmony prevails.

A grand committee has been appointed and instructed to report a requisition on the states for the supplies of the current year.

Mr. Morris has returned his commission to Congress in a letter dated September 30th, and ceased to act in his official character. His account of receipts and expenditures, during his administration, in detail, has not been laid before Congress as yet, but we are informed it is now at the press in Philadelphia. The chairman of our grand committee has written to him for information as to what arrangements he has taken for paying the interest due in Europe; what payments have been made, or measures taken to make payments by the several states, on the requisitions of last April; and what moneys remain in the treasury, or elsewhere, not specially appropriated?

This is all the accounts I am able to give of the state of the treasury, excepting that the state of Virginia, in the course of the last year, as I am informed by her delegates now in Congress, has paid into the treasury of the United States more than four hundred thousand dollars in real money. I hope this will at least justify an opinion hereafter advanced, that the delinquencies of the states was not so much owing to want of energy in the Federal Government, as to want of energy in the government of the particular states, and a real want of resources, or of the power to render them productive.

The happy return of peace and plenty to the states will, it is hoped, produce similar effects throughout the Union and restore public credit. The Hon. John Lewis Gervaise, of South Carolina, the Hon. Samuel Osgood, of Massachusetts, and the Hon. Walter Livingston, of this state, have been elected Commissioners of the Board of Treasury. The latter is present and ready to accept. The two former have not had time, since the notification of their election, to return an answer.

Congress have ordered all their public offices to be removed from Philadelphia to this city. The portraits of the King and Queen of France, are also to be brought here.

The City Hall has been given up to the use of Congress and their offices by the Corporation of the city, excepting the room in which the Mayor's Court

is holden; and I presume it is unnecessary to mention that the members can be accommodated in the best manner—but that the expenses of living here are greater than at any other place where I have attended in Congress.

We wait with impatience the result of the negotiations opened with the Indians, as the western lands are in great demand, and frequent applications are made for grants. It is expected that Congress, before they rise, will be enabled to open their land office, and to establish some government in the western wilderness.

I am sorry to observe that the southern states do not seem disposed to cede their claims over the mountains to Congress. North Carolina has even repealed her act of cession, after the example of Connecticut. Happily it is out of the power of New York and Virginia to repeal theirs. The agents for Massachusetts and New York have agreed on the judges to constitute a federal court to decide on their interfering claims to vacant lands. This court is to be holden in the city of Williamsburg, in Virginia, next June.

The New York land office is open to all the citizens of the United States. Forty-two petitioners are to have six miles² square at one shilling per acre, to be paid in any kind of securities for liquidated debts due from the United States, or from the state of New York. Their land office, their impost, their confiscated estates, &c., will enable this state to establish funds sufficiently productive to pay all debts. I am informed, and that in a manner satisfactory to me, that the bill for granting an impost to Congress, will be rejected by a majority in the Legislatures of the states, which are now in session. As this measure has not been adopted by the state of Georgia, and as the supplementary funds, the only security in the system for the domestic creditors have not been effectually complied with in more than one or two states, I have given it as my opinion here that our State would not resume the consideration of that subject till all the other states should have substantially complied. And, indeed, in that event, of which I see no probability, it might perhaps be for the honor of the State not to fall in with that measure last of all and only on the most violent compulsion.

In consequence of a motion made in Congress by an advocate for a revenue in the hands of Congress, a committee has been appointed to report the measure necessary to be taken on the subject of the recommendations of April 18th, 1783, for the impost, &c. As Congress has been pleased to appoint me chairman of the committee, and to join with me two members who are not friendly to the revenue system, it would seem that a change of the financeering system may not be far off. But as this subject has not been drawn into discussion in the present Congress, I have no authority to announce the probability of such an event.

I have transmitted to my good friend Governor Bowen, newspapers containing a bill published by the legislature of Pennsylvania, for funding their quota of the national debt on the state funds. Such a measure was adopted by New Jersey long ago, and I am told that other states are taking the hint. Sure I am, that state funds may be established on as safe grounds and prove as productive as funds in the hands of Congress. Can it be said, that the particular states are unable to draw from the people as much money as they can, or ought to pay? Will not state laws operate with greater energy and safety than federal ordinances? But I have almost involuntarily run into a subject I intended to have avoided when I sat down to write this letter, as it has been already exhausted, and the bare mention of it has become ungrateful to the ears of some of my good friends.

Congress have resolved to send Ministers Plenipotentiary to represent the United States at the Court of Madrid and London, and their election is made the order of the day. In consequence of the earnest request of Dr. Franklin, it is in contemplation to permit him to return to this his native country, where he wishes to lay his bones. The return of this venerable patriot under these circumstances, must give pleasure to all his friends, or let me say, to all the friends of this country and of freedom. Gov. Jefferson, who is peculiarly acceptable to the Court of Versailles, will probably be appointed his successor at that Court. I observed in my last, that the resolution of Congress, putting all the letters from our foreign ministers under an injunction of secrecy, was my apology for not making more ample communications on the subject of our foreign affairs.

It is in contemplation, at least with some gentlemen, to recommend to the states an alteration of the Confederation, on the subject of commerce. The motion under commitment aims to vest Congress with power to regulate both foreign and coast wise trade, and to ascertain and regulate the duties to be paid in the importation of foreign merchandise.

PROVIDED, That the assent of at least nine states in Congress shall be necessary to all their ordinances on these subjects. And,

PROVIDED, Also, that all such ordinances shall receive the approbation of the legislatures of nine states, before they shall take effect.

PROVIDED, Also that such ordinances shall continue in force only — years.

PROVIDED, Moreover, that the legislatures of the particular states shall relinquish all power to lay imposts against their neighboring states; and lastly,

PROVIDED, That all such imposts shall be collected under the authority, and accrue to the use and benefit of the particular states where they shall be paid.

I have thought proper to lay these outlines of the system proposed before the State. Should it be thought proper to act on this subject, or any other, by way of altering the Confederation, I am clearly of opinion that the bill for the purpose ought to be published for the consideration of the people at large, and that every town should be requested to give their deputies special instructions on the subject. I trust in the wisdom of the public councils to devise a system of commercial regulation which will answer every reasonable object of the mercantile part of the community, without endangering the liberties of this country. But if I am called on, either to part with my freedom or foreign commerce, I shall want no time to deliberate.

The proceedings of the Committee of the States, at Annapolis last summer, are printed and to be sent forward to the several states.

Since the assembling of Congress in this city, some of the southern states have discovered great uneasiness under the ordinances passed at Trenton, respecting the residence of Congress, and it yet remains very uncertain whether Federal buildings will be erected any where soon. On this subject, however, it is considered that the eastern states have possessed themselves of the advantage ground.

The question of the independence of Vermont has not been resumed, nor have their delegates made their appearance as yet.

The delegates would be happy to receive particular and pointed instructions on the subject of commerce. How far will the State consent to part with its power to regulate commerce? How far will it be safe to vest Congress with power relative to ascertaining and regulating duties, &c.? As it is our earnest wish (for I believe I may also speak for my colleague in this matter) to form our conduct to the views of the honorable the General Assembly, it will at all times be very agreeable to receive instructions on any subjects of importance.

I could wish to enlarge on several subjects, but the fear of giving offence by obtruding my indigested ideas will induce me to conclude this letter by requesting your Excellency to assure the honorable General Assembly of my constant attention to their interests and to those of the United States, and to be persuaded of the great esteem with which I have the honor to be,

Your Excellency's most obedient and very humble servant,

DAVID HOWELL.

P. S. — I must request that no copies of my letters be suffered to be taken for certain reasons.

DAVID HOWELL TO DEPUTY GOV. BOWEN.

NEW YORK, March 7th, 1785.

SIR:—I have the honor to enclose copy of a resolution of Congress passed 16th ult., on a motion of your delegates, relative to ox teams, &c., made in pursuance of instructions from the Assembly.

No. 2 contains copy of a treaty with the Indians, entered at Fort Stanox, October 22d, 1784.

No. 3 contains copy of another treaty entered into with the more westwardly Indians, at Fort McIntosh, January 21st, 1785.

It is proposed to hold another treaty about the first of June next, with the Pottawatomie, Twigtwee, Wabash, and Illinois Indians, at Vincennes, on the Wabash river. This, it is hoped, will finish the business for the present.

Dr. Lee, who was one of our commissaries, tells me that these two treaties have extinguished the Indian claims to upwards of twenty millions acres.

To-morrow is assigned for a second reading of the ordinance for opening a Federal loan-office. Mr. John Adams is appointed Minister Plenipotentiary for the United States at London, and Col. William Smith, of this State, Secretary to the Legation. Dr. Franklin has leave to return, and Mr. Jefferson is to take his place. A successor to Mr. Adams, at the Hague, is to be appointed next Monday.

Dr. Johnson, having received news of one of his children lying at the point of death, has left us a few days ago, in consequence of which, ten states only remain on the floor. But I can, with great pleasure, assure you of the good disposition of the members to do business, and that an unusual harmony subsists in Congress at present. How long it will last, I will not presume to predict, but I greatly fear that schisms and hard words will ensue on some great question soon to be brought before us.

Congress has been informed that Mr. Osgood proposes to accept a place at the Treasury Board. As soon as he can come forward and join Mr. Livingston, a Board will be formed.

I have seen an account in a Philadelphia paper that a funding bill, of state funds, has passed in Maryland, similar to that proposed in Pennsylvania, and to that adopted long ago in New Jersey and Georgia.

Congress is not informed of the payments made, or of the measures taken to payments on the last requisition on the State, nor have they information what has been done by all the states scarcely on a single requisition or recommendation. This has led some to believe that it is necessary to extend the affairs of Secretary of Congress to the home department, agreeably to the report of a committee, No. 4.

It gives me pain to be under the necessity of saying that I am much in debt here, and entirely out of cash. I received no money from the treasury before I came away, and I cannot learn that any has been paid to my order since. What am I to do? I have had serious thoughts of returning home, but I am unwilling to leave the city in debt. Members of Congress are, by privilege, protected from civil suits. I am, therefore, in no danger of a jail, and have concluded to wait the event of another application to my old friend, the treasurer, to whom I must pray you to write in my behalf, and, if possible, to point out to him measures to obtain for me a supply of cash, and to pay it to an order I have put into the hands of Capt. Lawton.

Col. Partridge and Mr. Gerry, who have taken passage in Lawton's vessel will pass through Providence, and give you more particular information of our proceedings; to them I beg leave to refer you, and subscribe,

In haste, sir, your most obedient and very humble servant,

DAVID HOWELL.

DAVID HOWELL TO GOV. GREENE.

NEW YORK, April 29th, 1785.

SIR:—In the Journals, which are regularly transmitted by the Secretary of Congress, you will observe the proceedings of Congress down to the 7th inst. Since which much time has been spent on the requisition and the land ordinance; neither of which have yet passed. The latter proves to be the most complicated and embarrassing subject before Congress since peace has taken place. Infinite pains are taken by a certain set of men called land robbers, or land sharks, to have it in their power to engross the best lands; while it is the duty of Congress to open their land office on terms which will at once secure the greatest possible revenue therefrom, and give no undue advantage to any class of citizens, or to any district of the Federal Union.

The public papers must have informed your Excellency that the legislature of Georgia, after solemn argument, rejected the impost of five per cent. and that the grand jury of the county of Chatham, in that state, presented the legislature to the Supreme Court as guilty of a misdemeanor relative to the premises. Whether indictment and conviction ensued has not yet transpired.

It is with no vulgar degree of satisfaction, that I have it also in my power to mention, that the five per cent. impost has also been rejected by thirteen against seven, of the Senate of this state; and that the public paper of this day announces to us that the gentleman who brought in the bill has been left out of the Senate on the late election in this city. I have been told on good authority, that three-quarters of the members of the Assembly approved of the doings of the Senate, and that the popular current sets strong throughout the state against that exploded measure.

It gives me additional pleasure to mention these facts, as they justify the information and opinion I gave the honorable the General Assembly last June, relative to this state, and which were then controverted by persons of respectable characters.

The lands to be exposed for sale within the late purchases of the Indians, are estimated, I find by the best judges, at about eighteen millions of acres. Another large purchase, it is expected, will be made in the course of the ensuing summer. So vast is the revenue already in the power of Congress. What proofs they will give of their wisdom in the management thereof, is yet uncertain.

The lands are to be apportioned to the states in proportion to the requisition for money, so that a proportional quantity thereof will be sold in each of the Loan Offices in the different states. One dollar per acre in public securities will be the lowest price. It is not in my power to say how long Congress will continue their present session, or how long your delegates may remain on the floor. I have been so much from home of late, that it is my ardent wish to return; although I confess I should leave Congress with reluctance, before the important business is finished.

Captain Lawton, who arrived here yesterday, informs me that he has brought me one hundred and fifty dollars; this will complete the payment of the grant made me at the October session, as I presume the bill in favor of Messrs. Hewes & Anthony, for the other moiety, must have been paid.

Your Excellency has informed me of a grant of three hundred dollars made to me at the last session of the Assembly. Permit me to request that measures may be taken for making payment thereof, as it will be indispensably necessary to enable me to discharge my debts here, before I return. I shall draw for the same as soon as I may receive notice that my bills will be paid. I am very unwilling to draw any more at uncertainties.

After praying your Excellency to assure the honorable the Legislature, of my constant attention to their affairs, and of my zeal to serve them as well as of my gratitude for the very distinguished marks of their confidence and esteem with which I have been honored, I beg leave to subscribe, with the most profound respect,

Your Excellency's most obedient and very humble servant,

DAVID HOWELL.

DAVID HOWELL TO DEPUTY GOV. BOWEN.

NEW YORK, June 24th, 1785.

DEAR SIR:—Your favor of the 5th inst. came duly to hand. You are pleased to promise to comply with my wish expressed in my last letter, that a good man might be nominated in the stead of Judge Harris, in case he

should decline to accept the appointment. I hope, however, that he will accept and go forward, as I know of no better man, and the business demands dispatch.

For what reason your letter to the President has not been answered, I cannot say, but hope you will do our worthy President the justice to believe it is no prejudice against our little State, which is toasted very frequently at his table.

I have called on the Secretary for the motion formerly made by us on Mr. Greene's business, and we shall particularly charge ourselves with an attention to it. The requisition still hangs by the eye-lids. Various obstructions are thrown in its way. Some are for separating the provision for the foreign debt and civil list from the domestic debt. This we oppose tooth and nail. The enclosed printed motion made by the delegates of Virginia, contains other obstructions.

I thank you for your careful attention to my applications for money, and must beg you to continue to the end, which I hope is at hand. I must soon have another supply, as expenses accumulate on my hands. I pray you to obtain some effectual provision for payment of my drafts, at the next Assembly.

Please deliver the enclosed letter to Mr. John Brown, and urge him to accept the place of Commissioner for erecting the Federal buildings. There is no doubt but Gen. Dickinson will concur with him in fixing them on this side of the Delaware. This I am assured of by the delegates from New Jersey. Nothing will be done soon in the business; perhaps not this season. He may afterwards find reason enough to decline, if his business will not permit him to continue to complete the buildings. I have not delivered his letter to Mr. Thompson. I believe it is lost. I therefore pray him to enclose another to me, directed to Mr. Thompson, accepting the appointment. His next letter shall be faithfully delivered, whatever its contents may be.

I have delayed Col. Peck's business for the arrival of Mr. Pierce. He will be in this city in a few days. I pray Col. Peck to enclose to me a copy of his commission. I should write him, but have not time by this opportunity. Of this you will please inform him.

How do you like our land ordinance? You have to look to that and to the exertions of the State chiefly for payment in your securities. To tell you the plain truth, there is an alarming backwardness in some states to make provision for the payment of domestic debts, or to put the payment thereof in the same footing as the foreign debt and the civil list.

In great haste and with great truth and sincerity, I have the honor to be,

Dear sir, your most obedient and very humble servant,

DAVID HOWELL.

The Judge Harris referred to in the foregoing letter was Caleb Harris, of Johnston. He had been appointed by Congress one of the surveyors to run out the proposed western territory. He was a surveyor of note in this State. He had been a representative in the General Assembly from Johnston, and was, at the date of this letter, one of the Associate Justices of the Court of Common Pleas, for the County of Providence. At a later date, he was elected Chief Justice of the same court.

WILLIAM ELLERY TO GOV. GREENE.

NEW YORK, August 18th, 1785.

SIR:—I have received a letter from Col. Sherburn, officially informing me that the General Assembly, at their last session, had appointed me Chief Justice of the Superior Court.

This appointment, which was entirely unsolicited and unexpected by me and my most intimate friends, in itself considered, does me great honor, but when I consider it as a mark of their approbation of my conduct in an important public character, the honor is increased and demands my most grateful acknowledgment. Please sir, permit me, through the channel of this letter to present my thanks to the honorable the General Assembly, for this fresh instance of their favor and confidence.

But honorable as this appointment is, there are some objections to my accepting it, which I must beg leave to mention, together with a few reasons in support of these objections. The objections are—the precarious tenure by which the Judges hold their offices, and the small salaries annexed to them.

I am a friend to annual elections in general and to moderate salaries; but it may be a question whether it would not be more beneficial to the State to appoint their Judges during good behavior, or for a term of years, with a capacity of reelection at the termination of the period, than to appoint them annually. Almost every state in the Union has adopted one or the other of these tenures. And it is to be presumed that an assurance of continuance in office for a few years only, might be an inducement to gentlemen to qualify themselves to fill the bench with respectability, and to such as might be qualified to accept, if they should be chosen.

With respect to the salaries of the Judges of the Superior Court, I believe there are but few who would think them immoderate if a considerable addition should be made to them.

In establishing the salaries of officers, a regard, I think, ought to be had to the importance of the offices, and to the qualifications requisite to a right discharge of them. The office of Judge of the Superior Court is one of the most important offices in the State; for in that Court decisions are had on the property, the character, the liberty, the life of the citizen—and is it probable that a man would employ so much time and attention as are necessary to form a proper judgment on these important questions, without a compensation proportionate to his services? Unless a man is possessed of a steady income sufficient for the decent support of himself and his family, his attention must be divided between the duties of his office and the duties of his family, and amidst this distraction I should think he could not give that constant undisturbed attention to the former, which I deem requisite to a proper discharge of the duties thereof.

There are but few men in the State possessed of such an income. I am not, and I believe it would be difficult to find of that few, a sufficient number of qualified persons so disinterested as to quit their ease to serve the State for naught, or next to nothing.

Honorable salaries may be some security, perhaps, against corruption; but in my opinion, the best guard is a uniform character of virtue and integrity. Poverty subjects a man to many temptations; but Lord Bacon, who could not really want money, was corrupted. To these objections, and the arguments in support of them, which I have briefly touched upon, I must add that there are several important matters before Congress that require nine states, and the present representation is not so complete as to admit the absence of one state.

Notwithstanding these objections, to show to the honorable General Assembly that I am disposed to serve the State in any honorable employment they may be pleased to bestow upon me, I will accept of the appointment to the Judge's seat, provided there are a sufficient number of Judges to constitute a court, without me, and my presence can be dispensed with until the adjournment of Congress. Relying that the General Assembly will make such a decent provision for the support of the Superior bench, as shall be suitable to the circumstances of the State, and the importance of that bench,

I am, with sentiments of the highest respect for your Excellency and the honorable the General Assembly,

Your Excellency's most obedient humble servant,

WILLIAM ELLERY.

DAVID HOWELL TO GOV. GREENE.

NEW YORK, August 22d, 1785.

SIR:—I have the honor to enclose a certificate from the Secretary of War, by which it appears that the widow and children of the late Col. Christopher Greene are entitled to seven years' half pay, under the resolution of Congress of August 24th, 1780, to commence from the 14th day of May, 1781, the time of his death. The same resolution also recommends to the State to make provision for paying this allowance on account of the United States, as by reference thereto will fully appear.

A regard to the memory of that worthy officer has induced me to make this communication. What measures it may be proper for the honorable the General Assembly to take on this subject is submitted, with great deference, to their justice and wisdom, by

Your Excellency's most obedient and very humble servant,
DAVID HOWELL.

DAVID HOWELL TO GOV. GREENE.

NEW YORK, August 23d, 1785.

SIR:—In pursuance of the instruction of the honorable the General Assembly, a motion has been made in Congress by your delegates for the settlement of the accounts of Mr. Thomas Green.

As to any loss or derangement of accounts or vouchers, the resolutions of June 3d, 1784, seemed to your delegates to vest the commissioners with every necessary power to enable them to do justice; and these powers of chancery are, by subsequent resolutions, expressly extended to the commissioners of army accounts, and to the commissioners for settling the accounts of the five great departments. The only necessary additional measure seemed to be that the commissioners for the State should be authorized to settle Mr. Green's accounts, which, by the existing arrangements of Congress, ought to be settled by the commissioner for the department under which the account arose.

A resolution to this effect was passed one day and repealed the next day, as the Journals will discover, and the motion of your delegates finally referred to the Board of War to report, and their report has not yet made its appearance.

The settlement of accounts as well those existing betwixt the several states and the United States, as those existing betwixt individuals and the United States, is an object of great extent and importance, and engages much of the attention of Congress. Individuals contribute to the public exigencies with great reluctance while they are not only kept out of the

principal and even the interest, due to them from the public, but cannot even obtain a settlement of their accounts. And an apprehension in each state almost in the Union that they are in advance, compared with their sister states, retards or prevents those exertions which are necessary to put them in capacity to send forward annually their quota to the common treasury.

To a settlement of accounts betwixt the several states and the United States, it ought to be remembered that a Federal rule apportionment is indispensable. It therefore becomes necessary for every state to decide whether they will adhere to the rule established in the eighth article of the Confederation, or adopt the alteration recommended on the 18th day of April, 1783.

It has been and still is my private opinion that the whole, instead of three-fifths of the blacks ought to have been taken into the estimation. In that case, the rule might have approached so nearly to justice as to have been admissible, especially as it has a superior facility in execution. But whether it ought, even as it is, to be adopted in preference to no rule, or the hazard of delay and embarrassment in all our pecuniary operations, is a question of policy, and which is, in my humble opinion, entitled to a very serious consideration. I am happy that I shall be readily pardoned for not giving my advice on this subject.

An attention to the actual situation and population of the southern states where the blacks are most numerous, will suggest a probability that, in time, the proposed rule of apportionment will become less objectionable. After you leave the sea coast, the moist and interval lands, near the mouth of the great rivers, and pass on westward towards the mountains, and more especially over the mountains westward, the lands are cultivated by white people, whose method of life and manners are similar to the middle and northern states, from which they are mostly supplied with settlers. So that the number of blacks, compared with the whites, even in those states, will probably diminish in future. And, for the sake of humanity, this is greatly to be desired. Should a wise policy discontinue the importation of blacks, their ratio to the whites will, on this account, also diminish. And even the ratio of the states in which the blacks are numerous, to the aggregate of the United States will gradually diminish as the tide of population rolls westward, and new states arise peopled from Europe, where the slavery of the blacks is unknown; or from the northern states, where it is reprobated. On all these accounts, the proposed rule of apportioning the states will probably, in future, approximate to justice.

In this, as in many other cases, a choice of difficulties only presents itself, as it happens this is only a question of property which does not affect the

liberties of the states. The consequences, therefore, may be faced with less reluctance.

The reception of the Hon. Mr. Adams, as Minister Plenipotentiary at the Court of London, has been announced in the public newspapers. From the communications he has made to Congress, it appears that his reception and treatment hitherto has been unexceptionable; but no conjecture can be founded as to the probable success of his negotiations. Common report says that the western posts will be given up before next spring. While the British hold possession of those posts, the fur trade will be forced through Canada; but the natural channel for it is through the United States, and it is well known to be a very profitable trade. While these posts are held by the British too, the Indians will hardly be prevailed on, by seeing only paper and parchments, to believe that the United States are, in fact, the sovereign of that country; hence it is that ill-minded people, who have studied to disquiet the minds of the Indians and prostrate our designs as to sale of the western lands, have so far succeeded as to induce several of the Sachems of the six nations to apply to Col. Harmar, commanding officer of our troops to the westward, to take back the original instruments of the two late treaties, alleging that they had been informed that they were imposed on at those treaties, when they were told that the great King over the water had ceded that country to the thirteen fires, &c. But after interchanging a friendly talk they returned to their homes apparently satisfied.

Another object of Mr. Adams' mission, which is of principal importance, is to obtain a commercial treaty with the British nation founded on principles of reciprocal advantage. One great obstruction in his way, it is apprehended, will be the incompetence of the powers of Congress to make a specific and effective stipulation for reciprocating commercial advantages with the other party. It seems to be the opinion, even of Congress, or of a great majority thereof, that they ought to be vested with power to regulate commerce generally. Many propositions and plans have been suggested. One is the alteration of the Confederation so as to vest Congress with the power of regulating trade without limitation of time. Others propose a limitation of twenty-five, fifteen, or ten years. Others have proposed that a navigation act be framed and laid before the legislatures of the several states for their adoption for a term of years. Others there are, who are of opinion that we can go on very well in the present way. They say that the produce of the southern states being delivered from British monopoly, and admitting to the ports the competition of all the world, fetches as good a price, and frequently more and better pay than it did before the revolution; and they fear that the consequences of a navigation act, or of power to regulate trade

in the hands of Congress, might essentially be throwing a monopoly of the carrying trade into the hands of a few states, who would set their own prices also, on the produce to be exported, whereby they apprehend a very great injury to the southern planters. Amidst this division of sentiment and clashing of interests, little is to be expected from the deliberations of the present Congress on this subject. The voice of the people must come forward and give birth to some system.

Some days ago, the President of Congress asked permission to make a tour in the country, for the benefit of his health. He proposes to visit the Chalybeate waters in Pennsylvania, and return in two or three weeks. At present only seven states are represented in Congress. Letters have been lately written to the delinquent states, and a fuller house is expected soon.

It is about three weeks since my colleague has been confined to the house, and of course the State has not been represented. He is now happily recovering, and expects to take his seat soon.

Having been in hopes of returning before now, I have made no application lately for money. I am now reduced to my last penny; nay, I have not enough to pay my debts here. I am, therefore, under the necessity of requesting that effectual measures may be taken by the State to forward me some cash by the first opportunity.

I have not enclosed a copy of the Journals, as I conclude they are regularly transmitted to your Excellency every month by the Secretary of Congress.

With the most perfect consideration, I have the honor to be,

Your Excellency's most obedient and very humble servant,

DAVID HOWELL.

WILLIAM ELLERY TO GOV. GREENE.

NEW YORK, Oct. 24th, 1785.

SIR: — Give me leave, through you, to represent to the General Assembly that, in December last, I drew a bill for two hundred and fifty dollars upon the General Treasurer of our State, in favor of Messrs. Hewes & Anthony, who had furnished me with money for my subsistence; that said bill has not yet been paid, although Mr. George Gibbs, to whom it was transmitted, has frequently solicited for payment, and that I am called upon to repay the money generously advanced.

For a long time, I have been subsisted by small sums of money, as they could be obtained from the Treasury, and by the advances of my friends; and I have never had it in my power to discharge this debt.

Justice and gratitude compel me to entreat the honorable General

Assembly to order the General Treasurer to procure money and discharge the draft before mentioned immediately.

I expect soon to return home. I am in arrears for my board, and unless I am supplied with about one hundred dollars, I shall be under the painful and disgraceful necessity of leaving New York indebted to the person with whom I have boarded. Permit me, therefore, to urge that this sum also be furnished by the Treasurer directly.

In full confidence that these necessary requests will be complied with, and with sentiments of high respect for your Excellency and the honorable General Assembly, I am your Excellency's most obedient servant,

WILLIAM ELLERY.

DAVID HOWELL TO GOV. GREENE.

NEW YORK, Oct. 29th, 1785.

SIR: — From a variety of obstructions, the requisition for the supplies of the present year did not pass till the 27th ultimo. I presume it has been officially communicated to your Excellency; and hope that the principles of it will meet with the approbation of the Legislature. I learned, with pleasure, and took the earliest opportunity to announce to Congress that the General Assembly, at their August session, ordered a tax of twenty thousand pounds, subject to future appropriations. This readiness to comply with, or more properly to provide for, beforehand, the constitutional demands of Congress, could not fail to make a good impression on our sister states. I wish it may also be the ambition of every citizen to furnish an example of punctuality in the payment of taxes for Federal purposes. As a motive hereto, it may be observed, that a large balance of the sum called for to pay domestic interest must ultimately come into the pockets of our citizens.

By late letters from the westward, there is reason to expect that the troops sent there will be able to effect the objects of their instructions; that the lands purchased of the Indians at the late treaties will be secured from intrusive settlers, surveyed and exposed for sale in due time, and prove an important fund for extinguishing the domestic debt.

It is to be presumed that the commissioners are now in treaty at the mouth of the Great Miami, with the more westerly Indians, for peace and the purchase of additional territory. But, for certain reasons, it is difficult to conjecture the result of their negotiations on the latter subject.

Letters from Mr. John Adams have come to hand as late as the 10th of August last, and he makes no mention of an Algerine war with the United States. He has laid a project of a treaty of commerce before the British Minister. It is feared that our ministers abroad will not be able to obtain



CHAPTER XI.

1785 TO NOVEMBER, 1786.

JOHN BROWN, George Champlin, Paul Mumford and Peter Philips elected Delegates at the General Election in May—Not one ever took his seat—James Manning and Nathan Miller elected Delegates in place of the first two, declined—Letter from David Ramsey, Chairman of a Congressional Committee, to the Governor of the State—Circumstances attending the election of President Manning as a Delegate—Manning's views on the subject—Correspondence between the Delegates and the Executive—John Collins, of Newport, elected Governor over Greene—Triumph of the Paper Money Party—Letter from President Manning to Hezekiah Smith—General Want and Distress—Evils of a Paper Currency—Legislation of Congress and of the General Assembly—Extract from a Letter from Asher Robbins, respecting President Manning as a Delegate—Sittings of Congress—Convention of States proposed—Meeting of the Convention, September 11th, 1786—Letter from William Ellery to Gov. Collins—Resolutions of the General Assembly giving Currency to the Paper Money of 1786—Letter from Manning and Miller to Gov. Collins.

At the General Election in May, 1785, John Brown, George Champlin, Paul Mumford and Peter Philips were elected delegates in Congress for one year, commencing on the first Monday in November following. Neither of the delegates so chosen ever took his seat in Congress. It is probable that the first two declined accepting their appointment, for, at the February session, 1786, of the General Assembly, the Rev. James Manning was elected first, and Nathan Miller, Esq., second delegate. It will be borne in mind that the delegates of the last year remained in office

until the first Monday in November, 1785. This accounts for the delay in filling the vacancies.

The following letter from the Chairman of Congress to the Governor probably induced the election.

NEW YORK, February 1st, 1786.

SIR :—In conformity to the resolution enclosed, it becomes my duty to write to the Executives of the several states which are at present unrepresented in Congress.

Three months of the federal year are now completed, and in that whole period no more than seven states have, at any one time, been represented. No question, excepting that of adjourning from day to day, can be carried without perfect unanimity. The extreme difficulty of framing resolutions against which no exception can be taken by any one state, can scarcely be conceived, but by those whose unfortunate situation has led them to experience the perplexing embarrassment. Was the convenience of the present members only, concerned, your Excellency would not have been troubled with this letter. Sorry I am to add that the most essential interests of the United States suffer from the same cause. The languishing state of public credit is notorious, both in Europe and America. What an additional wound must be given to it, when it is known that no plans can be made for the payment of our debts, without the unanimous consent of nine states, and that only seven states have yet come forward with a representation? The disposition of our western territory; an American coinage; commercial arrangements with European powers, particularly with Great Britain; and a variety of other matters of immense and pressing importance; but, for want of an additional number of states, nothing can be done.

I forbear to mention to your Excellency that, even in private life, where two persons agree to meet at a given time and place, for the adjustment of their common concerns, the one who attends has a right to complain that he is not treated with common politeness by the other who breaks his engagement. I say nothing of the unequal burden imposed on the seven states who are present. They incur a heavy expense to maintain their delegates, and this expense is rendered inefficient because, that out of the other six, no two have come forward to concur with them in dispatching the public business. Least of all, would I insinuate that the present states might be justified in resolving that, as they had attended three months to no purpose, they would, in their turn, relinquish the public service and leave the other states, should they come on, to suffer a similar mortification to what they have long experienced, of meeting and adjourning from day to

day without having it in their power to enter on the most important and pressing national business.

The remissness of the states in keeping up a representation in Congress naturally tends to annihilate our Confederation. That once dissolved, our state establishments would be of short duration. Anarchy or intestine war would follow, till some future Cæsar seize our liberties, or we should be the sport of European politics, and perhaps parcelled out as appendages to their several governments.

In behalf of Congress, in the chair of which I at present have the honor to sit, I beseech your Excellency, by the regard you have for our Federal government, to use your utmost endeavors to induce the delegates of your State to give their immediate attendance in Congress.

I have the honor to be your Excellency's

Most obedient and humble servant,

DAVID RAMSAY.

His Excellency the Governor of Rhode Island.

Mr. Ramsay was, at this time, Chairman of Congress, having been appointed during the illness of the President, John Hancock. The resolution referred to was passed on the 30th of January. It directed the Chairman "to write to the executives of the states of Rhode Island, Delaware, Maryland, Virginia, North Carolina and Georgia, stating to them the inconveniences arising from a want of a sufficient number of states to proceed on the business of the Union, and earnestly pressing them to send on their delegates immediately."

Congress had no reason to complain that their Chairman did not faithfully perform the duty required of him.

For the following circumstances relative to the election of Dr. Manning, we are indebted to a letter from the late Hon. Asher Robbins to the late William G. Goddard, published in Mr. Goddard's Memoir of Dr. Manning :

There was a vacancy in the delegation, and the General Assembly, who were to fill it, were sitting in Providence. No one in particular had been proposed or talked of. One afternoon Dr. Manning went to the State House to look in upon the Assembly and see what was doing. His motive was curiosity merely. On his appearance there, he was introduced on the

floor and accommodated with a seat. Shortly after, Commodore Hopkins, who was then a member, rose and nominated President Manning as a delegate to Congress, and thereupon he was appointed, and according to my recollection, unanimously. I recollect to have heard Commodore Hopkins say (it was at the house of his brother, Governor Hopkins, where I shortly after met him) that the idea never entered his head till he saw the President enter and take a seat on the floor of the Assembly; and that the thought immediately struck him, that he would make a very fit member of that august body, the Continental Congress.

Dr. Manning was, at the time of his election, President of Rhode Island College, now Brown University, and pastor of the Baptist church, in Providence. The Corporation of the College and the Church readily yielded to the wishes of the State, and gave up their President and pastor for a time, for more public service. In a letter to his friend, the Rev. Dr. Rippon, of London, of the 7th of April, 1786, which may be found in Mr. Guild's very interesting "Life, Times and Correspondence of James Manning," he thus alludes to his election :—

Pray don't be alarmed should you hear that I am in Congress. The motive of my accepting this most unexpected, unsolicited, but unanimous appointment of the State to that office, was the recovery of a considerable sum due to the College for the taking of its edifice and the damage done to it by the public in the late war. It was thought by those most acquainted with the state of our application to that honorable Body, that my presence would facilitate the grant, more especially, as none of the persons likely to be elected would greatly interest themselves in that business. My appointment is only from our late session till next November, when I mean to relinquish the office, as, in general, I always considered politics out of my province. Accordingly, I have interdicted my name being mentioned in the next nominating. Both the college and the congregation are, I hope, well provided for during my absence.

In a letter of the same date, to the Rev. Dr. Evans, of England, to be found in the same work, he also alludes to his appointment:—

The appropriation of the edifice, (the college edifice,) to public uses

during the war, was productive of great damage to it, for reparation of which, as well as for the rents, the Corporation sent me last year to Congress, with the state of our accounts, and claims, and sufficient vouchers. We obtained a hearing before a committee appointed to report on the subject of the petition, and obtained a favorable report; but lost it before Congress when the report was acted upon. Our late Professor Howell was then a member, and had great influence; but as he had effectually opposed some Continental measures, he thinks the question was lost by that means, together with the small number of states on the floor. By the Articles of Confederation, he is not again eligible for three years, nor could we find any man probably to be chosen, who would deeply interest himself for the College. This induced me, at his earnest importunity, together with his giving the greatest encouragement that a grant might be obtained, to accept the unanimous appointment of our Legislature at their late session, as their first delegate till next November, an appointment to me most unexpected, as I had considered politics out of my province, and on that account had declined a former nomination to that office.

JAMES MANNING TO GOV. COLLINS.

NEW YORK, May 26th, 1786.

SIR:—Agreeably to the directions of the General Assembly, at their session at Greenwich, I proceeded to New York and took my seat in Congress, as a delegate, the 2d of this instant, in full expectation that General Miller would follow me in a few days, with the necessary supply of money to support us. But, to my surprise, I have not heard from the General since my departure from Rhode Island. Destitute of money to defray my necessary expenses, and at a loss to conjecture the reasons of the General's delay, you must naturally conclude that my situation is far from being agreeable.

I wish to be informed whether the State means to support a representation in Congress or not, that I may act accordingly. My private purse will not support me here, and you, sir, know the expense attending this character too well to be informed that money in hand is necessary for the support of your delegation. Congress is highly displeased with the conduct of Rhode Island, in not sending forward her delegates. I have made the best apology I could for this neglect, but am obliged now to be silent, as I have no advice on the subject.

I think it my duty to inform you that this honorable Body is not a little alarmed at the present crisis; with an empty treasury, while pressed on all sides for money; the requisitions not complied with in many of the states; the collection of taxes postponed; our trade embarrassed and almost pros-

trate ; and the Barbary powers fitting out more formidable armaments than ever sailed out of the Straits. Great Britain, too, through our Minister, has absolutely refused the surrender of the western ports, until the United States comply, on their part, with the fourth article of the treaty, which provides that British merchants shall be under no legal impropriety of recovering, in sterling money, their bona fide debts from the citizens of the United States. Against this article, (since the passing of the money bill in our State,) nine states in the Confederacy have passed acts, and several of the Indian tribes, as we learn from recent dispatches, have already commenced hostilities on our western frontier.

This is our deplorable situation, and Congress is obliged this day to adjourn for want of a sufficient number of states, to proceed in the necessary and most important business of the Confederacy. In a word, sir, all the old members have looked serious, and are alarmed for the safety of the Confederacy. A motion is made, and it is proposed to assign a day to go into the state of the nation, in a committee of the whole House, that we may send forward to the states without loss of time, the dangerous situation of the Federal government, that they may acquit themselves of censure should disastrous events happen through the neglect of the states. This motion has only been postponed for a fuller representation, as they were in daily expectation of having both Rhode Island and New Hampshire on the floor.

I assure you, sir, that the above is not an exaggerated account, but done in the words of truth and soberness.

We have lately been employed in reducing the expenses of the civil list, which we have done upwards of ten thousand dollars ; nor do we mean to stop here, but embrace every opportunity to retrench as much as possible the expenses of the Federal government.

I have the pleasure to inform you that I think the present delegation in Congress, Rhode Island apart, possess great patriotism, ability and unanimity, but the want of energy in the Federal government, and in the respective governments of the states is, by every true friend of this country, to be lamented.

With the highest sentiments of esteem, sir, your humble servant,
JAMES MANNING.

JAMES MANNING TO NATHAN MILLER.

NEW YORK, 7th of June, 1786.

DEAR SIR : —I think, if for a moment you would figure to yourself my situation alone here for more than a month, reduced to the very last guinea and a trifle of change, which is the case ; my lodging, washing, barber's, hatter's, tailor's bills, &c., not paid, without the favor of a single line from

you, advising me whether you mean to come or not, and sending forward the one hundred dollars on hand, which you proposed doing from the election, if you was not likely to follow me soon. I say, if you would but realize my situation, you could not but pity me from your heart. I wrote you long since ; I begged an answer from you, one way or another, that I might know what measures to take. But as I am now situated, I can neither stay nor go, except to the new City Hall, if my creditors exact it, and strangers have no more compassion on me than the State that appointed me. I must entreat you to forward that sum of one hundred dollars, if no more can be had, by the first opportunity, with a line advising me of your future intentions. Matters highly interesting to this Confederacy, and indeed, I think the question whether the Federal government shall long exist, are now before Congress, and there are not states sufficient to transact the necessary business, as we have now barely nine states on the floor. Our affairs are come very much to a point, and if the states continue to neglect keeping up their delegations in Congress the Federal government must *ipso facto* dissolve. I have written the Governor on these subjects and desired his answer, whether we should keep up our delegation or not. I shall wait till a reasonable time for an answer from you, and quit if I do not receive it. Send me by the post, or packets. Frank your letter by the post. I shall impatiently wait the event, and with sentiments of esteem,

I have the honor to be, sir, your humble servant,

JAMES MANNING.

JAMES MANNING TO NATHAN MILLER.

NEW YORK, 12th of June, 1786.

SIR : —Your's of the 27th ult. came to hand two days ago. Am mortified exceedingly that you have not come forward, nor sent on the money on hand, for I am reduced to but a few shillings, and my bills are not paid. My situation, without a colleague, without money, and without any instructions or favorable prospects from government, is painful. Rhode Island has not many more strides to make to complete her disgrace, and ruin, too ; but that is not all. She is likely to hold a distinguished rank amongst the contributors to the ruin of the Federal government.

Never, probably, was a full delegation of the states more necessary than now, for you may rest assured, that in the opinion of every member of Congress, and in the several departments, things are come to a crisis with the Federal government. You say you think the present House do not want a Congress ; they may, it is more than probable, very soon see the accomplishment of their wishes, for without a speedy reform in the policy of the states, the Federal government must be no more. The flagrant

violations of the public faith, solemnly plighted in the late emissions of paper money, on the conditions on which it is emitted, is here considered as the completion of our ruin as a nation ; but I wrote you before on this subject ; it is too painful to repeat. Pray send me on the money in hand, or come and bring it yourself without loss of time ; at least write me by every vessel. With sentiments of esteem,

I have the honor to be, sir, your humble servant,

JAMES MANNING.

JAMES MANNING TO GOV. COLLINS.

NEW YORK, June 23d, 1786.

SIR :—Not long since, I wrote you and gave the information which I thought it my duty to give, since which, for want of a sufficient number of states to transact any business of importance, little has been done ; and for several weeks past Congress has been, the greatest part of the time, under the necessity of adjourning from day to day, as they could not make a Congress, though business of the highest importance to the Union demands the decision of Congress.

Those states who keep up their delegation are not a little displeased with the delinquent states ; and it is the unanimous voice and opinion of those on the floor of Congress that a continuance of this neglect will, ere long, be attended with the most serious, not to say the most fatal consequences. On this head I am full, I think, of well founded fears.

In obedience to the orders of the General Assembly, at their session in February, I, on the 27th of April, ult., embarked for New York, and immediately took my seat in Congress, in the full expectation that the State determined to support a delegation.

But I have not received a single dollar to defray the great expenses attendant upon my present situation. As I was not in cash of my own, I could not discharge my bills, and they consequently all remain unpaid, and that to my no small mortification ; and this must remain to be the case till I experience the assistance of the State. Add to this, I am without a colleague without whom the State cannot have a voice.

I now solicit explicit directions from the Legislature in reference to my future conduct. My present situation is peculiarly disagreeable, and I beg your Excellency, as early as possible in the session, to lay my request before the House, that I may have their ultimatum, whether they mean to support a delegation or not, that I may conduct myself accordingly.

But I must presume that that honorable Body will not recall me without

furnishing me with efficient means to enable me to leave New York in a way which may not wound my feelings, nor reflect dishonor on the State.

Please sir, to communicate on this subject without loss of time.

I have the honor to be, sir, your humble servant,

JAMES MANNING.

In May, 1786, John Collins, of Newport, was elected Governor over William Greene; who had held the office from 1778. On retiring from the gubernatorial chair, Gov. Greene remarked, that for near eight years, in times of great difficulties and trouble, he "had the honor of the votes of his fellow freemen of the State, with scarce a dissenting vote," and that, until very recently, he had "not known that there was any dissatisfaction." He stated that groundless reports to his prejudice had been privately circulated, so that they did not come to his knowledge until after the town meetings. Then, turning to the Governor elect, he added:—

Now, sir, I am ready to resign the chair to you, at least for the term of one year, and I hope that where I have missed it in any thing, you may be able to mend it.

Three causes contributed to this change in the officers of the State. At the February session of the General Assembly, 1786, a motion was made for a new emission of bills of credit. Governor Greene, with his friends, opposed it, and it was rejected in the House, in which it originated, by a vote of almost two to one. At the same session, a qualified grant of a five per cent. impost on foreign goods passed both Houses of the Assembly; and at a session in March, the Assembly also granted to Congress the right to regulate the foreign commerce of the states. The friends of the first measure, and the opponents of the other two coalesced in the paper money party, which raised Gov. Collins to the office of Governor, and elected a majority of both Houses favorable to their views.

At the session in May, the Assembly passed an act for the emission of one hundred thousand pounds in paper money, to be apportioned among the towns, and loaned to individuals on mortgage of real estate of double the value of each loan, for seven years, at an annual interest of four per cent., the principal being payable after seven years, in seven equal annual instalments, without interest. The emitting act made the bills a legal tender in payment of all contracts, and a refusal to receive them cancelled the debt. Subsequently more stringent measures were adopted, to give the bills a currency, but legislation was not able to sustain their credit.

At the June session, the Assembly directed the General Treasurer to advance to each of the delegates seven hundred and fifty dollars, in interest certificates or Loan Office certificates, which they were to dispose of and account for. At the same time, they directed that seventy-five dollars in specie should be paid to Mr. Manning, and twenty-five dollars to Mr. Miller, in specie, and repealed the resolution passed at the time of their election, in February, for advancing to each of them three hundred dollars, which advance they had not then received. Certainly the State did not pay their delegates very punctually, or offer to pay them in the most satisfactory manner.

This will appear from the following extract of a letter from Dr. Manning to his intimate friend, Dr. Hezekiah Smith, of Haverhill, Mass., which we also find in Guild's *Life of Manning*. This letter bears date "Providence, January 18, 1787." He writes:—

The paper money of this State has run down to six for one, notwithstanding which, the Legislature continue it as a tender, and mean to do so and pay off all the State debts with it, be it as bad as it may. At the last session I petitioned them to pay my advance, and the remainder of my salary as delegate, amounting to upwards of four hundred dollars. This they offered to do in their paper, but in no other way. Besides, they ordered all the import orders brought in and exchanged in the treasury for paper at par,

so that I must lose five-sixths of my salary so paid to me. A more infamous set of men under the character of a legislature, never, I believe, disgraced the annals of the world; and there is no prospect of any change for the better.

It is no wonder that Dr. Manning wrote with some feeling on this subject, for he says in another part of the same letter:

I was taken sick the day after the second great snow, with no provisions in the cellar, except one hundred weight of cheese, two barrels of cider and some potatoes, with not a load of wood at my door; nor could I command a single dollar to supply these wants. The kindness of my neighbors, however, kept me from suffering.

But he was not alone, nor his the only instance of want and suffering. Throughout the whole country the wail of destitution and sorrow was raised. The long war had drained the states of the manufactures of Europe. They had little of their own manufactures to supply their place. Merchants had almost monopolized the silver and gold to meet their orders for their supplies from Europe. Meanwhile, the tax-gatherer was inexorable, for the wants of government were pressing and very large in amount. Rhode Island resorted to a paper currency based on individual responsibility, and pledge of real estate, as a remedy for the evils pressing on the citizens. It was a palliative at best, and no remedy. The means employed to give it currency, failed, because there was no faith in its ultimate redemption. The history of paper currency issued as well by the United States as the states individually, was too fresh in recollection. Other states resorted to stop-laws, and legislation interfering between debtor and creditor. In one state, at least, a rebellion broke out, setting at defiance the officers of the law, and threatening at one time, anarchy and confusion.

The evils to be remedied were great. The people smarting under them demanded their instant removal, unwilling

to wait for the relief which industry, frugality and patience would surely produce. The emission of paper money by the General Assembly of this State, was most unwise ; the attempt to force its circulation, unjust in the extreme. They preferred these measures to the anarchy, rebellion and bloodshed, which seemed the only other alternative.

The paper money party retained the ascendancy in the State till the spring of 1789, when their power was sensibly on the decline.

It will be recollected that Congress had failed to obtain from the states a grant of the five-per cent. impost proposed by the resolution of the 3d of February, 1781, and that afterwards, on the 18th of April, 1783, they proposed the grant of an impost to them, varying in its terms from that of 1781, so as to avoid the objections which prevented the making of that grant. Notwithstanding the vital importance of immediate action on this subject, the states were exceeding dilatory in their movements. The address from Congress that accompanied it, did not receive that attention which it deserved. A committee of Congress on the 3d of February, 1786, reported that all the states, except New York and Georgia, " had complied in some degree," with that part of the recommendation of April, 1783, relating to the grant of an impost to Congress. . The compliance of Rhode Island at this time had been made by the General Assembly, at their February session, 1785. It was embraced in an act entitled,

AN ACT for laying a duty upon imported goods, and for collecting certain taxes therein enumerated, for the purpose of paying annually this State's proportion of the national debt and furnishing the treasury with supplies for other purposes.

The duties imposed by this act were the same in amount as named in the recommendation of Congress. It varied

from the recommendation in this, that the State levied the impost instead of granting powers to Congress to levy it. The act also imposed a tax of one Spanish milled dollar upon every one hundred acres of land in the State, a poll tax of the same amount, and a like amount on every horse over two years old. The impost, was to be collected by persons appointed by and amenable to the State, and the taxes were to be assessed and collected as other State taxes. Of the money received from impost, the sum of eight thousand dollars annually was appropriated "for the payment of the interest of this State's proportion of the foreign debt of the United States," to be paid to the order of Congress. The surplus of the impost and the whole of the taxes were appropriated to "the payment of the interest of the internal debt of the United States due within this State."

This was by its terms to go into effect whenever the other states "shall agree to the impost aforesaid to the acceptance of the United States in Congress assembled," and shall have provided other adequate funds to meet their quotas of one million five hundred thousand dollars, according to the requisition of Congress of the 18th of April, 1783. It was to continue in force twenty-five years from the time it went into effect. By comparing this act with the recommendations of Congress, it will be very apparent that it was a compliance only in a very small "degree," with it.

Another committee of Congress appointed specially to examine the legislation of the states on that subject, reported February 15th, 1786:—

That seven states, viz. : New Hampshire, Massachusetts, Connecticut, New Jersey, Virginia, North Carolina and South Carolina have granted the impost in such manner, that if the other six states had made similar grants, the plan of the general impost might immediately begin to operate ; that two other states, Pennsylvania and Delaware have also granted the impost, but have connected their grants with provisos which will suspend their operation until all the other states shall have passed laws in full con-

formity with the whole of the revenue aforesaid ; that two only of these nine states, viz., Delaware and North Carolina, have fully acceded to that system in all its parts, and that the four other states, viz., Rhode Island, New York, Maryland and Georgia, have not decided in favor of any part of the system of revenue aforesaid, so long since and so repeatedly presented by Congress for their adoption.

Congress, on the report of this committee, again recommended the subject to the states and urged them to perfect the grant without delay. In February, 1786, the General Assembly of this State took the subject into consideration, and passed an act entitled,

An Act giving and granting to the United States in Congress assembled, certain imposts and duties on foreign goods imported into this state, and for the particular purpose of paying the principal and interest of the debt contracted in the prosecution of the late war with Great Britain.

This act clogs the grant with several provisions, not included, if not repugnant to the grant as originally asked for by Congress.

From the proceedings of Congress on the 23d of August, 1786, it appears that all the states, except New York, had "granted the impost by acts vesting this power, with certain qualifications, exclusively in the United States in Congress assembled." The legislature of New York had had the subject under consideration and passed an act, which was not by Congress found to be in compliance with their recommendation of April 18, 1783. Congress requested the Governor of that state to call a special session to reconsider and amend their act. This, the Governor declined to do, alledging that he had power to convene the legislature only on extraordinary occasions, and that this was not an extraordinary occasion, as the legislature had already passed on the subject.

Thus ended the attempt of Congress to obtain the power from the states to levy and collect duties on imported goods.

Among the very many important matters that engaged the attention of Congress, was the commerce of the United States. A committee, consisting of Mr. Gerry, of Massachusetts, Mr. Read, of South Carolina, Mr. Williamson, of North Carolina, Mr. Chase, of Maryland, and Mr. Jefferson, of Virginia, made a report on the 30th of April, 1784, in which they state, among other things, that Great Britain had “adopted regulations destructive of our commerce with her West Indies.” That these “measures are growing into a system. It would be the duty of Congress, as it is their wish, to meet the attempts of Great Britain with similar restrictions on her commerce, but their powers on this head are not explicit.” They go on to say : —

Unless the United States in Congress assembled shall be vested with powers competent to the protection of commerce, they can never command reciprocal advantages in trade ; and, without these, our foreign commerce must decline and eventually be annihilated.

They recommended the passage of the following resolutions, which Congress at once adopted : —

RESOLVED, That it be, and it hereby is recommended to the legislatures of the several states, to vest the United States in Congress assembled, for the term of fifteen years, with power to prohibit any goods, wares or merchandise from being imported into, or exported from any of the states, in vessels belonging to or navigated by the subjects of any power with whom these states shall not have formed treaties of commerce.

RESOLVED, That it be, and it hereby is recommended to the legislatures of the several states to vest the United States in Congress assembled, for the term of fifteen years, with the power of prohibiting the subjects of any foreign state, kingdom or empire, unless authorized by treaty, from importing into the United States any goods, wares or merchandise, which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.

PROVIDED, That, to all acts of the United States in Congress assembled, in pursuance of the above powers, the assent of nine states shall be necessary.

Though the necessity of united action, to remedy the evils existing, must have been very apparent, the states were negligent in their attention to the measure proposed by Congress for a remedy. It was not until March 3d, 1786, that the attention of Congress was called to their legislation in relation to it. On that day, a committee reported that Massachusetts, New York, New Jersey, and Virginia had assented to the grant and passed laws conformable to the recommendation of Congress; that neither Delaware, South Carolina, nor Georgia had acted on the subject; that Connecticut, Pennsylvania, and Maryland, in their grants had varied from the recommendation, in the time when the grant should take effect; that New Hampshire had granted full powers to regulate their trade by restrictions or duties for fifteen years, with a proviso that the act shall be suspended, until all the states had granted similar powers; that North Carolina had passed an act embracing foreign commerce, unrestricted in duration, to go into effect when all the other states shall pass similar acts, and to become one of the Articles of Confederation; and that Rhode Island had granted certain powers, clogged by certain conditions.

The following is a copy of the act passed by this State in February, 1785:—

AN ACT vesting Congress with the power of regulating foreign trade:—

BE IT ENACTED BY THIS GENERAL ASSEMBLY, AND BY THE AUTHORITY THEREOF IT IS ENACTED, That the delegates of this State in Congress assembled be, and they hereby are authorized and empowered, in the name and behalf of this State, to agree to and ratify any article or articles by which the United States in Congress assembled, shall be empowered to regulate, restrain or prohibit the importation of all foreign goods, in any ships or vessels other than those owned by the citizens of the United States, or any of them, and navigated by seamen citizens of the United States, or such proportion of citizens of the United States or any of them, as from time to time may be agreed upon by nine states in Congress assembled. And the article or articles containing the powers aforesaid, or a power substantially

the same, when agreed to by all the other states in the Union, shall be in force twenty-five years and no longer.

It will be readily seen that this did not confer the power recommended.

Congress, on the report of their committee, recommended the states to conform their legislation to the terms of their original resolutions.

In pursuance of this recommendation, this State, in March, 1786, passed another act on this subject, in such form that a committee of Congress, on the 23d of October, reported it conformable to the resolution of April 30th, 1784; and further, that if "New Hampshire and North Carolina had conformed their acts to the said resolution, agreeably to the urgent recommendation of Congress on the 3d of March last, the powers therein requested might immediately begin to operate."

But those states never made the grant requested, in the terms proposed, and the grant so solicited never was completed.

If Rhode Island was dilatory in extending the powers of Congress, others of her sister states were more so, and some persistently obstinate in their refusal to grant powers that were solicited and really necessary.

It would not be strange if the passage of the acts making these grants of power to Congress contributed to the success of the paper money party, in the spring of 1786.

The following instructions, given by the freemen of Smithfield, to their representatives, at the May session of that year, shows that, in that town, at least, these grants had their weight in the election: —

WE THE FREEMEN OF THE TOWN OF SMITHFIELD, assembled in legal town meeting to make choice of Deputies to represent us in General Assembly at next May session, and to put in our proxy votes for general officers, being seriously and weightily concerned for the good people of this State, and for those of this town in particular, of which we have complete knowledge, of the difficulties and oppressions they live under.

For that there hath been several heavy and unjust taxes brought on, assessed, and collected by order of the legislators of this State, and the money appropriated to them where it was not one half due. It hath been raised, as it is said, to pay the interest of the money put into the Loan Office, and to those that are the holders of other public securities, when the money loaned did not pass, and was not worth one-quarter, and some not more than twenty for one in silver money. And many of the public securities originated from as small a value. The certificates were given for paper money, which was then called lawful money, and have not been liquidated to the just value. So there have been many examples where one year's interest hath been paid in silver, that was worth more than the principal was, when loaned. And at this time there is another tax of twenty thousand pounds ordered and assessed on this little and oppressed State, and ordered to be appropriated in as unjust manner as the former, which ought never to be collected or paid. And to our great surprise and astonishment, the legislators of this State, in one of their late sessions, complied with the requisition of Congress, wherein was contained the paying of the interest of the loaned money on the principal sum loaned, though they acknowledge it is subject to a liquidation.

And also did pass an act called an act, giving and granting to the United States in Congress assembled, an impost of five per cent. on all foreign goods imported into this State, for the space of twenty-five years, to be collected by a Congress officer who is demeanable to none living but Congress, and it is said to be applied to pay the interest and principal of any of the expenses incurred by the late war. And as there is none to call Congress to account for the expenditures, on earth, it is in their hands, at their uncontrolled will. If the Legislature think it best to raise money by impost, we have not a word to say against it. And at the same time we are sensible it is raised out of the consumer of the goods. But we are of opinion, on principles well founded, that it ought to be collected by officers of the State, and deposited in the general treasury and disposed of by the General Assembly. If the cause of the impost being granted at this time and after this manner, may appear a mystery, but about three years ago Congress insisted earnestly for the same measures and employed several gentlemen, one of which was Mr. Paine, a great writer in favor of liberty, to attend our Assembly, to enforce the

same. But all to no purpose, for the Assembly sincerely and manfully opposed it, as being impolitic, unconstitutional and unjust, and giving up the rights and interests of the State, which was generally acknowledged by some of the other states to be to their great honor, and also to the honor of the State they represented, and had a good effect in the other states that had in some degree complied with the measure, who soon repealed the same. And what the cause is now, we do not pretend to affirm; but we think it favors the story of paying the interest and principal of the loaned money agreeable to the face of the certificates without liquidation. These proceedings we think to be grievances of a high nature, and not only think them so, but we feel them so, and that the same in truth and good conscience ought to be redressed, and in order thereto, we in the early part of this meeting, before our representatives are elected, do give the following instructions to those that may be chosen, that they may know the sense of this town at their acceptance of that important trust.

1st. Whereupon, our advice and instructions to you, gentlemen, are, that you attend the General Assembly at their several sittings for May session; that you use your utmost endeavors and influence to stop and hinder any more money being paid in this State, either by taxes, impost, or any other way, for interest or principal on Loan Office certificates, or any public securities, subject to a liquidation, till the just value they originated from is known and the same be reduced thereto; and where the full value is paid on any of the securities, that it be so declared and the same cancelled; and if more be paid on any, then what is right and equitable, that strict justice may be done.

2d. That you use your utmost endeavors and exert yourselves in debates and in voting, to procure that part of an act, called "An Act granting an impost of five per cent. to the United States in Congress assembled, on all foreign goods imported into this State," to be repealed, so far as relates to Congress, or to the officer that collects the same being a Congress officer or demeanable to Congress; and that the General Assembly fill up and finish that part of the act which they left to Congress to do. And that the collector or collectors be accountable to the General Treasurer, and the money arising on the impost be deposited in the general treasury and disposed of by the General Assembly.

3d. That you move it in the General Assembly that proper means be used and applications made that the accounts with the United States be settled, and that this State may know what we have to pay and what we pay it for, and that we pay it our own way. And that you do not order any money to be paid for the United States' debts till this be done, for it is of the uttermost bad consequence to lie, as it doth and may save the trouble of many requisitions being sent.

4th. That you move once more, that a more equal representation be had in this State, and if not obtained, we think we ought to be and are exonerated from paying any more taxes till done.

In town meeting at Smithfield, April 19th, 1786. The within requisitions were read and debated in town meeting, and voted to be given as instructions to the representatives of this town in General Assembly, at the May session next.

Witness,

DANIEL MOWRY, TOWN CLERK.

A further extract from the letter of the late Hon. Asher Robbins, before referred to, will help to form a correct estimate of our delegate, Dr. Manning: —

Congress, under the old Confederation, sat, as you know, in conclave. No report of their debates was published. How far Mr. Manning mingled in them, therefore, I cannot say. I recollect of his speaking of one in which he participated, (the subject I have forgotten,) on account of a personal controversy to which it gave rise, between him and a fiery young man, a delegate from Georgia, by the name, I think, of Houstoun. The young man, in his speech, had reflected upon New England and her people. Mr. Manning repelled the attack, and, by way of offset, drew a picture of Georgia and her people. This so nettled the young man that, in his passion, he threatened violence.

The next day, he appeared in Congress with a sword by his side. This produced, at once, a sensation in that body, the symptoms of which were so alarming that he thought proper to withdraw, take off his sword and send it home by his servant. In the course of the day, he took an opportunity to meet with Mr. Manning, and to make him an apology.

He must have given himself much to business there, as he seemed to be master of all the important questions which had been debated, and could give the arguments pro and con offered by the different speakers.

The famous Dr. Johnson, of Connecticut, was a member at the same time, with whom Mr. Manning became intimate, and of whom he always spoke with admiration. The Doctor once paid him the compliment of holding the pen of a ready writer, which Mr. Manning very highly valued, as coming from such a man. It was upon the occasion of drawing up a report for a committee, of which both were members, and which report the Doctor professed to be much pleased with.

In a letter to Dr. Hezekiah Smith, under date of May 17th, 1786, Mr. Manning says: —

I am treated with respect by Congress and the heads of departments. The present Congress possesses great integrity and a good share of ability, but for want of more states on the floor, the public and important business is from day to day neglected. We are, however, in daily expectation of a fuller delegation.

On the first Monday in November, 1785, the 7th day of the month, the new Congress convened at New York. On that day three states were present, and three members from three other states. No quorum of states was formed until November 23d. Congress then elected John Hancock, of Massachusetts, for their President. As he was not present at the time, they elected David Ramsay, a delegate from South Carolina, Chairman. He presided in Congress until his term of office as delegate expired, when, on the 15th of May, Nathaniel Gorham, a delegate from Massachusetts, was elected Chairman in his place. Mr. Hancock was detained from Congress by illness. On the 5th day of June, he resigned his office of President, and Mr. Gorham was elected President the day following, holding the office until the first Monday in November, 1786.

The letter of Mr. Ramsay, before given, describes the dilatoriness of the delegates, and the negligence of the states, for the first three months of the session. During that period, only seven states, a bare quorum for ordinary business, were present at any one time. Such of the business as required the assent of nine states was delayed, of course.

Notwithstanding that letter, no delegate appeared from this State until May 3d, when Mr. Manning took his seat. Mr. Miller appeared in Congress on the 14th of July. Up to this time, this State had no vote on any question before Congress. After this, both delegates were in attendance during the Congress.

In January, 1786, the state of Virginia proposed a convention of states, to be held in Annapolis, on the first

Monday in September, "for the purpose of framing such regulations of trade as may be judged necessary to promote the general interest," and appointed delegates to attend it. The Governor of that state communicated the proposition to the Governor of this State soon after it passed the legislature of Virginia. It was not acted upon by the General Assembly until the June session, if communicated to them before that time. They then appointed the Hon. Jabez Bowen and Christopher Champlin, Esq., commissioners to attend the proposed convention, stating in the vote of their appointment the object to be,

To take into consideration the trade of the United States ; to examine the relative situations and trade of the said states ; to consider how far a uniform system, in their commercial regulations, may be necessary to their common interest and permanent harmony, and to report to the several states such an act relative to this important object as, when unanimously ratified by them, will enable the United States in Congress assembled, effectually to provide for the same.

At the same session, afterwards, Samuel Ward, Esq., was appointed commissioner in the place of Christopher Champlin.

This convention met on the 11th day of September. Commissioners appeared representing the states of New York, New Jersey, Pennsylvania, Delaware and Virginia. New Hampshire, Massachusetts, North Carolina, as well as Rhode Island, had elected commissioners to represent them, but none of these commissioners were present during the session of the convention, which closed on the 14th of September. The commissioners of this State were on their way to the convention when it adjourned.

The convention did not enter upon the consideration of the objects of their appointment, on account of the small number of states represented in it, further than to draw up a report referring to the great importance of those objects

and suggesting the holding of another convention at Philadelphia, on the second Monday in May, 1787, with enlarged powers. This report, signed by the commissioners present, was sent to the legislatures of the states they represented, and to the Congress of the United States.

On the 18th of April, 1786, Mr. William Ellery was appointed by Congress, Commissioner of the Continental Loan Office in this State in place of Joseph Clarke, who had resigned that office.

The Assembly, at their June session following, directed the General Treasurer to apply immediately to the Loan Office, "for interest certificates for the interest due on the Continental Loan Office certificates in the general treasury, belonging to the State." Mr. Ellery replied to this by the following letter to Gov. Collins :—

LOAN OFFICE, June 28th, 1786.

SIR :—The General Treasurer of the State was this forenoon at my office and brought with him a great number of Loan Office certificates belonging to the State and a vote of the honorable Assembly, containing a request that I would immediately issue and deliver to him the interest certificates due thereon.

I would beg leave to represent to the honorable the General Assembly, that it is the invariable rule and practice of the office to issue indents of interest in turn, and that two hundred and sixty names of persons unserved stood docketed on my list before the General Treasurer presented the certificates of the State.

I am, indeed, not a little embarrassed by this request ; it is my wish to gratify the Legislature of the State, and at the same time not to offend a great number of the citizens of the State, whose demands for the interest of their certificates are exceedingly urgent. However, if the honorable Assembly should think proper, after this representation, to continue their request, I shall take up the certificates belonging to the State and deliver out the indents to the General Treasurer as soon as I can, hoping that the owners of certificates whose names are already enrolled, will not be offended at me by their business being in this measure postponed.

I am, with sentiments of respect,

Your Excellency's most obedient humble servant,

WILLIAM ELLERY.

His Excellency Gov. COLLINS.

The Assembly, at their August session, passed the following resolution : —

WHEREAS, Some doubts have arisen whether the currency of this State is receivable in payment at the General Treasury in discharge of the Continental taxes in arrears, as well the last as any previous tax,

IT IS THEREFORE VOTED AND RESOLVED, That the said Continental taxes in arrear, be paid by the citizens of this State, to the several collectors of taxes, in the paper currency lately emitted by this State, in the facilities issued by the Loan Offices of the United States for the interest due on the Loan Office certificates and other liquidated debts of the United States ; in the certificates issued by the General Treasurer ; or in the certificates issued by the General Treasurer to the invalids ; all of which shall be received, and the General Treasurer is hereby directed to receive the same, of the several collectors in payment of any of the aforesaid taxes.

This was undoubtedly one of the measures adopted to give currency to the paper money of 1786. It would seem that the Commissioner of the Loan Office, soon after this, discontinued the issuing “ indents of interest,” which led to the following resolution of Congress on the 30th of October :—

RESOLVED. That it would have been improper to have continued the issue of indents of interest in the State of Rhode Island and Providence Plantations, after the act of said State declaring their paper currency receivable in payment of Federal taxes ; and that the conduct of the Commissioners of the Loan Office in said State, in discontinuing, on that account, the further issuing of indents of interest be, and it is hereby approved.

The subject came again before Congress on the 8th of March, 1787, when it was,

RESOLVED, That when the State of Rhode Island shall have completed the payment of her specie quota of the requisition of the 27th of September, 1785, the Loan Officers of said State shall be authorized to continue the issue of indents, agreeably to the terms of the said requisition.

MESSRS. MANNING AND MILLER TO GOV. COLLINS.

NEW YORK, September 28th, 1786.

SIR : —Permit your delegates to address your Excellency in your official

character and give you a short detail of the business now before Congress, with some observations upon the present state of the Federal government, &c. &c.

An important national matter, which has for some time past engaged the attention of Congress will probably soon come into public view. That Body have now before them a report of a grand committee for granting to the Federal government additional powers necessary to render it efficient. This, after the subject has undergone the necessary investigations, will be laid before the respective legislatures. An ordinance for the establishing of a colonial government in the Western territory is also, nearly completed, as also one for the establishment of a mint for the United States, with many other matters of less magnitude.

Your delegates wish to be informed, whether the accounts of the State against the United States are ready for adjustment, Mr. Chinn having informed the Treasury Board that they are not ready, nor can they be got ready for a long time. As that gentleman's salary still goes on, your delegates wish to be possessed of such official documents as may set that subject in its true point of view. It is highly necessary that all payments made by the State to the Federal government, whether on requisitions or otherwise, should be carried to its credit on the books of the treasury, therefore, all these accounts ought, without loss of time, to be sent forward.

Your Excellency will be made acquainted by Congress, that no paper emitted by the states, will answer federal purposes. Will not this evince it to be mistaken policy in our Legislature to order payments for the late requisition in their own paper currency? When gentlemen reflect but for a moment on the exhausted state of the Federal treasury; that no money is expected but what comes in from requisitions from the several states; that these are either all stopped or so slow in their operations, that nothing can be calculated upon with certainty; that the moment is arrived that our credit with foreign powers is lost; that an enemy on our frontiers stands prepared to take every advantage of our prostrate situation; that an enemy more despicable is embarrassing our most beneficial commerce and carrying our fellow-citizens into slavery for life, (about thirty at present being in that unhappy situation,) does it require the spirit of prophecy to predict what will and must inevitably be the consequence? Or, will arguments be necessary to draw forth the most vigorous exertions of every friend of American liberty, to arrest the sacred palladium and prevent our total ruin as a nation?

Amidst, however, these gloomy scenes, we have the pleasure to inform you, that Her Majesty of Portugal, has ordered a squadron of five sail of men-of-war to cruise at the the mouth of the Straits for the protection of

her trade, and that she has ordered her officers to give the same protection to the American flag as to her own. Of this her minister has given official information to Mr. Adams, at the Court of London. An instance of magnanimity, this, which is worthy of imitation, and which demands our grateful acknowledgments, as we have nothing better to offer her in payment. While foreign potentates take such an interest in our favor, does it not call for unanimity and exertions at home, amongst every class of our citizens, to rescue the commonwealth from impending ruin? Should not these considerations reconcile the mercantile and landed interests in the State of Rhode Island, and produce a repeal of those penal laws, which have already convulsed and still threaten ruin to the State?

It is now agreed by all, that our Federal government is but a name; a mere shadow without any substance; and we think it our duty to inform the State that it is totally inefficient for the purposes of the Union; and that Congress without being invested with more extensive powers, must prove totally nugatory. Should it be imagined that your delegates, as individuals, wish for an increase of power, be assured, that we hold ourselves servants of the State of Rhode Island, and in readiness to relinquish the exalted station in which you have placed us and return, with pleasure, to the shade of retirement, provided we can see such a degree of energy infused into the Federal government as may render it adequate to the great ends of its original institution.

We need not, sir, inform you how it wounds our feelings, in every company as well as in the Gazettes, to hear and see the proceedings of our Legislature burlesqued and ridiculed, and to find that Congress and all men of sober reflection, reprobate, in the strongest terms, the principles which actuate our administration of government. We are citizens of Rhode Island, and are most sensibly affected with every thing which militates to the dishonor of the State. Your delegates further beg leave to observe, that if those measures are continued which have for the last six months been pursued, in their opinion, they will infallibly terminate in the ruin of the State, and have no inconsiderable share in the subversion of the Union. We conclude by observing that the necessary supplies for our support are expected, and will be provided by the Legislature, as we greatly need them, while we have the honor to be,

Your Excellency's most obedient and most humble servant,

JAMES MANNING,
NATHAN MILLER.

The foregoing statements could not have been very cordially received by the Governor, who came into power on

the paper currency hobby. It arrived too, just in season to be laid before the General Assembly at a special session convened on account of a decision of the Superior Court of the State, declaring invalid one of the laws passed to give currency to paper money. The only clause in this letter which is noticed in the proceedings of the Legislature, is the one relative to the account of this State with the United States, which it was resolved "is ready for settlement."



CHAPTER XII.

1786 TO JANUARY, 17th, 1790.

JAMES M. VARNUM, Nathan Miller, George Champlin and Peleg Arnold elected Delegates at the General Election in May—Sittings of Congress—Attendance of Delegates—Resolution passed by Congress for a National Convention at Philadelphia—The General Assembly refuse to send Delegates—Letter to Governor Collins from the President of Congress—Resolutions of the General Assembly—Letter from the General Assembly to Congress—Spirited Protest against, by Deputies from Providence and Newport—The refusal of the Legislature to send Delegates to the National Convention at Philadelphia not approved by the Delegates in Congress—Letters from Delegates to the Executive—Meeting of the Convention at Philadelphia—All the States represented but Rhode Island—Agree upon the present Constitution of the United States—Resolutions in relation to it—Letter from the Convention to Congress—Resolution of Congress—Resolution of the General Assembly respecting the proposed new Constitution—Peleg Arnold, Jonathan J. Hazard, Daniel Manton and Sylvester Gardner elected Delegates to Congress at the May Session of the General Assembly in 1787—Sittings of Congress—Attendance of Delegates—Act of the Assembly in reference to the adoption of the Constitution—Question to be decided by the freemen in town meetings assembled—Rejected by a large vote—Letter to the President of Congress from the Executive—Lists of freemen who voted in town meetings, the towns of Bristol, Barrington, Foster, Coventry, Hopkinton and Richmond excepted—Action of the freemen of Providence and Newport—Petition from the Freeholders of Bristol for a State Convention—Adoption of the Constitution by nine States—Celebration of this event in Providence, July 4, 1788—Address by Dr. Hitchcock—Excitement growing out of this Celebration—Account of the Celebration, copied from the United States Chronicle—Last vote on any matter taken by Congress, October 10, 1788—Mr. Arnold at his post on that day—Correspondence between the Delegates in Congress and the Executive—Peleg Arnold, Jonathan J. Hazard, Thomas Holden and John Gardner chosen Delegates at the General Election in May, 1788—New Constitution went into effect in March, 1789—Review of the labors and influence of the old Continental Congress—Peleg Arnold, Jonathan

J. Hazard, Thomas Holden and John Gardner reelected Delegates in May, 1789—Constitution adopted by the state of New York—New Convention proposed to act upon amendments—Resolution of the General Assembly—Instructions to the Representatives from Providence and Newport in favor of a State Convention to adopt the Constitution, presented to the Assembly at the May Session, in 1789—Subject postponed—Adjourned Session convened September 15, 1789—Act passed—Letter from the General Assembly to Congress—Proposition of Rhode Island to seek foreign aid—Assembly met at South Kingstown in October—Motion for a State Convention negatived for the seventh time—Critical situation of the State—Petition to Congress from Providence—Meeting of the Legislature in January 1790—Proceedings in reference to a call for a Convention—Bill calling a Convention passed Sunday, January 17—Resolutions adopted—General remarks.

At the General Election in May, 1786, James M. Varnum, Nathan Miller, George Champlin and Peleg Arnold were elected delegates in Congress for one year from the first Monday in November, 1786.

The Congress of 1786 ought to have convened on the 6th day of November in that year, but on that day five only of the states had a full representation present. A quorum of states appeared for the first time on the 17th of January, 1787. An attempt to elect a President on that day was unsuccessful. No quorum appeared after this until the 2d of February, and then only a quorum. Arthur St. Clair, a delegate from Pennsylvania, was then elected President. On the 4th day of July, the President, being absent, Mr. Grayson, a delegate from Virginia, was elected Chairman.

Mr. Varnum, of this State, took his seat in Congress on the 13th of February, 1787, and Mr. Arnold on the 9th of the following April. From the last named day until about the first of May, this State was represented by them, and at no other time during the year. From the 16th of May, Mr. Arnold's name ceases to appear on the Journal of Congress. Mr. Varnum's does not appear between May 1st, and May 23d, nor between May 24th and July 26th. From the last named day until about the middle of August, he was in his

seat, and also in October, from October 15th, to October 26th. Neither Mr. Miller nor Mr. Champlin was present at any time during their term of office.

The delegates from the other states were equally irregular in their attendance in Congress. From the 11th of May to the 6th day of July, there was no quorum of states present. On the last named day a bare quorum being present, directed the Secretary to write to the Executives of the several states not represented, requesting them to urge the immediate attendance of their delegates.

On the 21st of February, 1787, the proceedings of the Convention, held at Annapolis, in September, 1786, as embodied in their report, were brought before Congress by the report of grand committee, (one from each state.) The following resolution, after debate, was adopted by Congress:—

WHEREAS, there is provision in the Articles of Confederation and Perpetual Union for making alterations therein by the assent of a Congress of the United States and of the Legislatures of the several states; and whereas, experience hath evinced that there are defects in the present Confederation, as a means to remedy which, several of the states, and particularly the state of New York, by express instructions to their delegates in Congress, have suggested a convention for the purposes expressed in the following resolution, and such a convention appearing to be the most probable means of establishing in these states a firm national government:—

RESOLVED, That in the opinion of Congress, it is expedient, that on the second Monday in May next, a Convention of delegates who shall have been appointed by the several states, be held in Philadelphia for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to by Congress and confirmed by the states, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union.

On the 13th of July, Congress passed the famous ordinance for the government of the Northwest Territory, only eight states being present. It was passed unanimously by the states present, to wit: Massachusetts, New York, New Jersey, Del-

aware, Virginia, North Carolina, South Carolina, and Georgia.

The foregoing resolution of the 21st of February, relative to a convention at Philadelphia, came before the General Assembly of this State, at a session commenced on the second Monday in March. A motion to appoint delegates to the Convention to be held in Philadelphia, was negatived in the house of representatives, by twenty-three majority, which was probably the majority of the paper money party in that house; then consisting of sixty-four members. The motion was renewed at the following May session. Though the relative strength of parties in the house had not been greatly changed by the new election which had taken place, the motion prevailed in the house by a majority of two, and was non-concurred in by the upper house, or senate, by the same majority, two members being absent, who if they had been present would have increased that majority to four. The Governor, Deputy Governor and ten Assistants, or Senators, who composed that house, were elected by general ticket, and of course, belonged, or were supposed to belong, to the party in the State that elected them.

At the adjourned session in June, the action of the two houses was reversed, the senate voting by a majority of five, to appoint delegates, and the house of representatives non-concurring by a majority of seventeen. It is impossible to account for these contradictory votes, as the members of both houses of Assembly in May and June consisted of the same individuals.

The President of Congress addressed the following letter to Gov. Collins, which he laid before the General Assembly at a session held on the 10th day of September:—

NEW YORK, August 13th, 1787

SIR:—The want of a due representation in Congress, so frequently as it has happened and to so great a length of time together, has very greatly

embarrassed the affairs of the Union and given much dissatisfaction to the states which generally keep their representation up, as well as disgust to the members who attend from those states. It has very often been complained of, and the states not represented have been pressed to send their delegates forward, too often, I am sorry to be obliged to observe, Sir, with very little effect, although it must be obvious, that, independent of the great national concerns, which thereby often suffer an inconvenient, at least, if not a disgraceful delay, their own particular interests run some risks from public measures being adopted without the aid of their counsels.

What, Sir, must the nations of the world think of us, when they shall be informed, that we have appointed an assembly and invested with the sole and exclusive power of peace and war, and the management of all national concerns, and during the course of almost a whole year, it has not been capable, except for a few days, for want of sufficient number of members, to attend to these matters. Since the first Monday in November last to this time, there has been a representation of nine states only thirty days, and ten states only three days. And as the representation of most of the states has consisted of only two persons, no great business could be done without the unanimous consent of every individual member. We are now, Sir, reduced to six, although matters of the highest importance are pressing for a decision, and cannot be long delayed without committing the dignity of the government, and exposing the peace and safety of several of the states. Besides, Sir, the National Convention, which the people look up to for much good, will soon rise, and it appears to be of great consequence, that when their report comes under the consideration of Congress, it should be a full Congress, and the important business which will be laid before them meet with no unnecessary delay.

The Secretary wrote, not long ago, to the unrepresented states, but no effect has appeared to follow from it, I must, therefore, repeat the request, and in the most pressing terms, that your Excellency will use every means in your power to hasten forward the delegates of your State.

With great respect and esteem, I have the honor to be, Sir, your most obedient and very humble servant,

A. ST. CLAIR, PRESIDENT OF CONGRESS.

A motion was made in the house of representatives, at a session of the Assembly held in September, to send the delegates forward immediately. The motion was there negatived by a majority of eight. A further discussion ensued, which was followed by another vote on the question, reäf-

firming the former vote by a majority of three only. Instead of delegates, the following resolutions were forwarded to Congress :—

WHEREAS, a letter from his Excellency the President of Congress, dated the 13th of August last, hath been laid before this Assembly, informing that but few members of Congress have of late attended, and requesting a representation of this State in Congress by their delegates, and this State being disposed to comply in all respects with the Articles of Confederation so far as it is in their power ; and as it is expected that matters of great national importance will come under the consideration of the Congress to be convened on the first Monday in November next,

IT IS THEREFORE VOTED AND RESOLVED, That two of the delegates for this State, be, and they are hereby directed to attend as the representatives of this State in the Congress of the United States to be convened on the said first Monday in November next, agreeably to the Articles of Confederation.

IT IS FURTHER VOTED AND RESOLVED, That his Excellency the Governor, be requested to answer the said letter and to inform his Excellency the President of Congress, of the measures taken by this Assembly for having this State duly represented in Congress to meet on the said first Monday in November next ; that they have not given orders for their delegates going forward previous to that time, under an apprehension that the states will not generally be represented until the meeting of Congress for the next year, and that the more important matters of the Union will not be acted upon by Congress until that time, and assuring his Excellency the President of Congress, that it is the desire and intention of this State to do every thing in their power for promoting the great objects of the Confederacy, the general welfare and happiness of the whole.

The facts contained in the President's letter and the urgent reasoning with which his request is enforced, would seem to have demanded a different course of action on the part of the General Assembly, and a different reply.

At the same session the Assembly appointed Daniel Owen, their Deputy Governor, Othniel Gorton, the Speaker, and James Sheldon, a member of the house of representatives, Paul Mumford, Chief Justice of the Superior Court, and Rowse J. Helme, Esq., a committee " to draft a letter to the

honorable the Continental Congress, showing the reasons why this State has not had a delegation at the Convention at Philadelphia and to present the same to this Assembly."

Subsequently they reported a draft of a letter which was approved. The Secretary was directed to make a fair copy, which was to be signed by the Governor and transmitted to the President of Congress. The letter was as follows:—

STATE OF RHODE ISLAND, IN GENERAL ASSEMBLY.

September 15, 1787.

TO THE PRESIDENT OF CONGRESS:

SIR:—Permit the Legislature of this State to address you on a subject which has engaged the attention of the Confederated Union, the singularity of our not sending forward to the convention, at Philadelphia, delegates to represent us there agreeably to a resolution of Congress, passed the 21st of February, A. D. 1787, for the purpose of revising the Articles of Confederation. Our conduct has been reprobated by the illiberal, and many severe and unjust sarcasms propagated against us, but, Sir, when we state to you the reason and evince the cause, the liberal mind will be convinced that we were actuated by that great principle which hath ever been the characteristic of this State, the love of true constitutional liberty, and the fear we have of making innovations on the rights and liberties of the people at large. Our conduct during the late trying contest has shown forth conspicuous, that it was not from sinister motives, but to provide for the whole. And we presume, Sir, that we shall be enabled to fix the same sentiments now.

Your honorable Body informed us, that the powers invested in Congress for the regulation of trade, were not sufficient for the purposes of the great national regulations requisite. We granted you, by an act of our State, the whole and sole power of making such laws as would be effectual for that purpose. Other states not passing similar laws, it had no effect. An impost was likewise granted, but other states in the Union, not acceding thereto, that measure has proved abortive.

The requisition of the 21st of February last hath not been acceded to, because, we conceived, that as a Legislative Body, we could not appoint delegates to do that which only the people at large are entitled to do. By the law of our State, the delegates in Congress are chosen by the suffrages of all the people therein, and are appointed to represent them in Congress; and for the Legislative Body to have appointed delegates to represent them in convention, when they cannot appoint delegates in Congress, (unless upon their death or other incidental matter,) must be absurd, as

that delegation in Convention is for the express purpose of altering a constitution to which the people at large are only capable of appointing the members. By the thirteenth article in the Confederation, "every state shall abide by the determination of the United States in Congress assembled on all questions, which by this Confederation are submitted to them. And the articles of this Confederation shall be inviolably observed by every state, and the Union shall be perpetual; nor shall any alteration at any time be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state." As the freemen at large have the power of electing delegates to represent them in the Congress, we could not consistently appoint delegates to a convention which might be the means of dissolving the Congress of the Union, and having a Congress without a Confederation.

You will impute it, Sir, to our being diffident of power and an apprehension of dissolving a compact which was framed by the wisdom of men who gloried in being instrumental in preserving the religious and civil rights of a multitude of people and an almost unbounded territory, that said requisition hath not been complied with, and fearing, when the compact should once be broken, we must all be lost in a common ruin.

We shall ever esteem it a pleasure to join with our sister states, in being instrumental in whatever may be advantageous to the Union, and add strength and permanence thereto, upon constitutional principle.

We are, Sir, with every sentiment of respect, your obedient servants,

Signed, at the request of the General Assembly,

JOHN COLLINS, GOVERNOR.

The passage of the resolution approving this letter in the House of Representatives, led to the following spirited protest by some of the members of that house:—

We, the subscribers, beg leave to protest against the report of a letter to the President of Congress, assigning the reasons for the Legislature of this State refusing to send members to the Convention, at Philadelphia, for revising the Articles of Confederation, &c., for the following reasons:

FIRST. For that it has never been thought heretofore by the Legislature of this State, or while it was a Colony, inconsistent with or any innovation upon the rights and liberties of the citizens of this State, to concur with the sister states or colonies in appointing members or delegates to any convention proposed for the general benefit, but with the highest approbation of this State, and while a Colony the Legislature have at various times, agreed to conventions with the sister states and colonies, and found their

interests greatly secured thereby; that to the Congress appointed in the beginning of the late arduous struggle with Great Britain, the members sent from this then Colony were appointed, with the fullest powers for carrying on a defensive war, and finally for declaring these states independent of Great Britain, and for forming Articles of Confederation, both which glorious events were received and confirmed by the Legislature of this State with the loudest acclamations of the people at large.

SECONDLY. That the powers mentioned in the said letter to have been vested in Congress for the regulating of trade, were granted by the Legislature of this State, as also, finally granting the impost, which is inconsistent with the ideas contained in the letter, that such powers were not in the Legislature, but in the people at large.

THIRDLY. That by the Articles of Confederation which have been part of the Constitution of this State, it is expressly provided, that when any alteration is made in the Articles of Confederation, it shall be agreed to in a Congress of the United States, and be afterwards confirmed by the legislature of every state, which is plainly expressive that this power is in the legislature only.

FOURTHLY. As by the Articles of Confederation, the appointment of delegates in Congress is declared to be by the legislatures of the several states, in such manner as the legislature of each state shall direct, that therefore as the power of appointing delegates did begin and was continued in the Legislature of this State for several years, and until by act of the same Legislature the election of delegates to Congress, was committed to the people at large, and as the General Assembly still, on the death or resignation of any of the delegates of this State, or on the re-call of any delegate or delegates, do exercise the power of appointing others in their stead, and do, by a law they have enacted, prevent their delegates from proceeding to Congress until special orders or direction from the Legislature, so it is certain the Legislature had constitutionally the power of sending delegates to Congress, and to presume they have no power to send members to a proposed convention recommended by Congress, and under the invitation of their sister states, must be inconsistent with those powers which all Legislatures must be presumed to possess for the preservation of the rights, liberties and privileges of the people; inconsistent with the common apprehension; and that a contrary supposition is most absurd.

FIFTHLY. As it would have been our highest honor and interest to have complied with the tender invitation of our sister states and of Congress, so our non-compliance hath been our highest imprudence, and, therefore, it would have been more consistent with our honor and dignity to have lamented our mistake and decently apologize for our errors than to

have endeavored to support them on ill-founded reasons and indefensible principles. For these and other reasons which might have been adduced, had we not been expressly limited to one hour for making our protest, we dissent from the reasons and suggestions in said letter.

HENRY MARCHANT, GEORGE CHAMPLIN, JOHN TOPHAM, DANIEL MASON, WILLIAM TRIPP,	} <i>Delegates of the Town of Newport.</i>
WELCOME ARNOLD, JOHN BROWN, BENJ. BOURNE, JOS. NIGHTINGALE,	

The refusal of this State to send delegates to the Convention at Philadelphia, did not meet the approval of the delegates in Congress. The following letters from them disclose their views on this subject, and the opinions of others :—

JAMES M. VARNUM TO GOV. COLLINS.

NEW YORK, 4th April, 1787.

SIR :—Agreeably to your Excellency's request, I delivered to Mr. Hazard, the postmaster general, your note, and informed him of every thing in my power relative to the subject matter to which it related.

Mr. Richardson wrote to him by the same post that brought your letter, complaining bitterly of the conduct of the General Assembly, in not paying up the arrearages due upon the postage of public letters. Mr. Hazard gave me no other satisfaction than that he would write properly upon the matter highly blaming the insult.

The General Assembly have suffered in the opinion of many for refusing the appointment of delegates to meet in Convention at Philadelphia. Perhaps they will reconsider that matter in May, when an appointment will be in time. But one measure of Congress has taken place since I had the honor of writing to your Excellency, that may be deemed important ; that respects the interference of the respective legislatures in obstructing the operations of the treaty with Great Britain. This business is not fully detailed. As soon as it is completed we will have the pleasure of communicating it. I say we, because Mr. Arnold has joined me. In general it denies the power of the individual states, to vary in any measure, the conclusive acts of the United States in Congress in matters confided to them by the Articles of Confederation : and therefore, deems all acts void that bear such a complexion.

A very serious and important subject will be taken up in a few days respecting the Western territory and the navigation of the Mississippi. At present every thing essentially relating to that business, is upon the Secret Journals. A reduction of the corps will also take place, in which Rhode Island will be excused from raising any troops. There is no necessity of sending forward the proofs of payment upon the ox-team certificates, or upon the pension establishment. Mr. Ellery's office is the place where proof is to be made of the payment of the specie part of the requisition of 27th September, 1785; and when that is done, he will issue the remaining indentments. The payments to Mr. Clarke, and not credited in the treasury books are of two kinds, principally interest upon public securities of the United States, and endorsed certificates of these payments are necessary. The other is in the old Continental bills. The only way to obtain a credit for these, is to send forward to the treasury the State's quota to be burned.

I have the honor of being, with great esteem,

Your Excellency's most obedient servant,

JAMES M. VARNUM.

MESSRS. VARNUM AND ARNOLD TO GOV. COLLINS.

NEW YORK, 7th April, 1787.

SIR:—We have the honor of enclosing to your Excellency a newspaper of yesterday's date, together with the copy of a letter, which we this morning addressed to the Governor of the state of New York. His Excellency Governor Clinton has laid the same before the legislature, who are now in session here. What the result will be we know not, but could not be silent, situated as we are, when so great an indignity was offered to the highest exercise of sovereignty in our State. Whether the measures of the General Assembly pointed at in the publication are consistent with good policy or not, is, to us, perfectly immaterial upon the present occasion. We represent a sovereign State, and will not suffer its honor to be sullied with impunity. In our next, we will communicate the result of this business, and are,

With great respect, your Excellency's

Most obedient and very humble servants,

JAMES M. VARNUM,
PELEG ARNOLD.

MESSRS. VARNUM AND ARNOLD TO GOV. CLINTON.

NEW YORK, 7th April, 1787.

SIR:—The undersigners, delegates of the State of Rhode Island in the Congress of the United States, complain to your Excellency of a publication in a newspaper, called the *Daily Advertiser*, political, historical and com-

mercial, dated upon the 6th of April, instant, and printed by Francis Childs, in this city. The publication begins, "Quintessence of villainy, or proceedings of the Legislature of the State of Rhode Island, at the late session." Then the printer assumes a narrative of those proceedings, as extracted from the *Newport Herald*, of March 22d. This daring insult to a sovereign State they consider as the most scandalous of libels, and therefore request your Excellency to cause the said Francis Childs to be reprehended, agreeably to the laws of the State over which you preside.

With the most perfect consideration, we have the honor of being,

Your Excellency's most obedient and very humble servants,

JAMES M. VARNUM,
PELEG ARNOLD.

MESSRS. VARNUM AND ARNOLD TO GOV. COLLINS.

NEW YORK, April 24, 1787.

SIR:—The following measures have been adopted by Congress since our last communications. The resolution of the 20th October last, is so far repealed that only two companies of the Massachusetts line are retained. Congress have unequivocally declared the operation of the treaty of peace with Great Britain, and recommended the respective states to repeal all laws repugnant to the principles of the treaty. The reasons inducing this measure accompany the resolution, and the consequences will be the evacuation of the Western posts, provided the states comply, as they certainly will upon principles of right and good policy. A copper coinage upon the Federal standard, for the value of £100,000, this currency, is established. The contractor gives a premium of 15 per cent. and loans the whole sum upon the common funds for twenty years, with six per cent. interest, with an option in the United States of discharging the debt sooner. The appropriation is for sinking the debt, and, well-conducted, will produce the best objects of financiering. The pay of the civil list is reduced. The western lands, already surveyed, are directed to be sold agreeable to the ordinance for that purpose, in five months, at public vendue, in the place where Congress may set, for not less than one dollar, in paper or specie, per acre. Much attention has been paid to a plan for speedily settling the accounts of the United States with the individual states, but the want of nine states in representation now impedes the accomplishment of that desirable object.

It is probable that no business of very essential importance will be conducted for some time to come, as the public attention is very much engrossed upon the meeting of the delegates in convention, some of whom are members of Congress. This period forms a most serious crisis in our political existence. The avowed object of this new assembly, sanctioned

by general opinion and pointing to the great interests of the whole Union, are too momentous not to claim the attention of the State of Rhode Island. How far an entire adherence to the Articles of Confederation may justify the policy of any one or two states in remaining indifferent spectators, to the probable events of these arrangements, we shall not presume to decide; but common safety and the relation a part bears to the whole, should have their due influence upon this occasion. As representatives of the State in the general confederacy, we feel no motives but those which are directed to the honor and happiness of all our constituents, and, therefore, do not urge, but offer our sentiments, that the resolution of Congress for appointing delegates in the convention ought to be complied with.

The Legislature of this State have ordered a prosecution against the printers in consequence of our letter to Governor Clinton, should we request it. In this matter we acted deliberately, and as we conceived, with propriety. The peculiarity and delicacy of our situation required an assertion of the dignity of our State, or a submission to the most debasing humility. Our views are fully answered, and we have it now in our power to gratify our feelings to the extremes of generosity.

In a short time we shall be able to retire from public business, and pay some attention to our private concerns; but in order to obtain that intermission and preserve a character worthy of those that employed us, we hope for the supplies our appointments entitle us to.

Be pleased, Sir, to accept our congratulations upon the commencement of a new political year, and while our most earnest wishes are directed to the prosperity of our State, under the influence of wise and salutary measures, be assured of the great esteem and regard with which we have the honor of being,

Your Excellency's very obedient and most humble servants,

JAMES M. VARNUM,
PELEG ARNOLD.

The article in the newspaper referred to in the letter preceding this, may be found in the *Daily Advertiser*, of the city of New York, published by Francis Childs. It there purports to be a copy from a Boston newspaper of what originally was printed in the *Newport Herald*, as a report of the proceedings of the General Assembly of this State at a session then just ended. The writer of the article in question, was in no degree prejudiced in favor of the paper money

party, then rampant in this State. No member of that party could have been particularly pleased with it. Yet it fell far short of the virulence exhibited in many party newspapers both before and since that time. The delegates from this State in Congress would have done well if they had observed that same silence in relation to the report that these in Rhode Island did, who were most interested in it. Their letter to Governor Clinton, and his communication of the same to the New York Legislature, drew out the publisher, Mr. Childs, in a reply still more pungent and scathing than the original article. No prosecution followed, nor any answer from the delegates so far as has been ascertained. The better part of valor influenced both the paper money party and the delegates.

All the states in the Union, except Rhode Island, sent delegates to the Convention, held at Philadelphia, pursuant to the resolution of Congress, of the 21st of February, 1787. Rhode Island was neither represented in Congress when this resolution was passed, nor in the Convention. Still the delegates from the other states met at the time and place appointed. After electing George Washington, their President, they proceeded to discharge the duties assigned them. They closed their labors on the 17th day of September, the states represented having unanimously agreed upon the present Constitution of the United States, and adopted the following resolutions in relation to it:—

RESOLVED, That the preceding Constitution be laid before the United States in Congress assembled; and that it is the opinion of this Convention that it should afterwards be submitted to a Convention of delegates chosen in each state by the people thereof, under the recommendation of its legislatures, for their assent and ratification; and that each convention assenting and verifying the same, should give notice thereof to the United States in Congress assembled.

RESOLVED, That it is the opinion of this Convention, that as soon as the conventions of nine states shall have ratified this constitution, the United

States in Congress assembled, should fix a day on which electors should be appointed by the states which shall have ratified the same and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this constitution. That after such publication, the electors should be appointed and the senators and representatives elected ; that the electors should meet on the day fixed for the election of President, and should transmit their votes, certified, signed, sealed and directed, as the constitution requires, to the secretary of the United States in Congress assembled ; that the senators and representatives should convene at the time and place assigned ; that the senators should appoint a President of the Senate for the sole purpose of receiving, opening and counting the votes for President ; and that after he shall be chosen, the Congress, together with the President should, without delay, proceed to execute this constitution.

They were accompanied by the following letter, addressed to the President of Congress :—

IN CONVENTION, September 17, 1787.

SIR :—We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us most advisable.

The friends of our country have long seen and desired that the power of making war, peace and treaties, that of making money and regulating commerce, and the correspondent executive and judicial authorities should be fully and effectually vested in the general government of the Union ; but the impropriety of delegating such extensive trust to one body of men is evident ; hence results the necessity of a different organization.

It is evidently impracticable in the Federal government of these states to secure all rights of independent sovereignty to each and yet provide for the interest and safety of all. Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw, with precision, the line between those rights which must be surrendered and those which may be reserved ; and on the present occasion, this difficulty was increased by a difference among the several states as to their situation, extent, habits and particular interests.

In all our deliberations on this subject, we kept steadily in our view, that which appears to be the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our natural existence. This important consideration, seriously and

deeply impressed on our minds, led each state in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected, and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual dependence and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every state, is not, perhaps to be expected, but each will doubtless consider, that, had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness is our most ardent wish.

With great respect, we have the honor to be, sir, your Excellency's

Most obedient and humble servant,

GEO. WASHINGTON, PRESIDENT.

By unanimous order of the Convention.

The report of this convention, embracing the proposed Constitution, the foregoing resolutions and letters, came before Congress on the 28th day of September, whereupon they,

RESOLVED UNANIMOUSLY, That the said report with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each state by the people thereof in conformity to the resolves of the Convention made and provided in that case.

This resolution was, with the new constitution and the accompanying documents, laid before the General Assembly at their October session, when the following resolution was passed:—

IT IS VOTED AND RESOLVED, That the report of the Convention lately held at Philadelphia, proposing a new Constitution for the United States of America, be printed as soon as may be, that the following number of copies be sent to the several town clerks in the State, to be distributed among the inhabitants, that the freemen may have an opportunity of forming their sentiments on the said proposed Constitution to wit: For Newport, 10; Portsmouth, 25; Middletown, 15; New Shoreham, 15; Jamestown, 16; Tiverton, 40;

Little Compton, 86 ; Providence, 10 ; Smithfield, 75 ; Scituate, 55 ; Foster, 55 ; Glocester, 60 ; Cumberland, 40 ; Cranston, 50 ; Johnston, 80 ; North Providence, 20 ; Westerly, 81 ; North Kingstown, 50 ; South Kingstown, 100, Richmond, 25 ; Exeter, 81 ; Hopkinton, 80 ; Bristol, 20 ; Warren, 10 ; Barrington, 10 ; Warwick, 50 ; East Greenwich, 25 ; West Greenwich, 22 ; Coventry, 80.

This was the first proceeding of this State in relation to the new Constitution. She had no vote in Congress on the resolution recommending the holding of the Convention that formed it, no delegation at that Convention, and no vote in Congress on the report of the Convention to Congress. That Convention proposed that its adoption or rejection should be decided by a convention in each State, to be called by its legislature. This was the way proposed to bring the subject before the people of the states. Such conventions would represent the people, and the people alone were to be the parties to the Constitution. The legislature was the proper body to provide for such a convention, to arrange for the election of delegates to it, determine the time and place of their meeting. And this the General Assembly should have done at this time.

At the May session of the General Assembly, Peleg Arnold, Jonathan J. Hazard, Daniel Manton and Sylvester Gardner were elected delegates to Congress for one year from the first Monday in November, 1787.

This Congress should have assembled on the 5th day of November. On that day, South Carolina and Georgia were the only states in attendance ; one other delegate, and he from New Hampshire, was also present. A quorum of states appeared on the 21st of January, 1788, and on the day following, Cyrus Griffin, a delegate from Virginia, was elected President.

As neither of the delegates from this State had left to discharge their duties in Congress, the Assembly at their February session, 1788,

VOTED AND RESOLVED, That Peleg Arnold and Jonathan J. Hazard, Esqrs., two of the delegates to represent this State in the Congress of the United States, be, and they are, hereby requested to take their seats in Congress as soon as may be.

Pursuant to this request, Mr. Arnold on the 6th of May, and Mr. Hazard on the 2d day of June, appeared in Congress and remained until August 7th. After this, Mr. Hazard's name does not appear on the Journals of Congress. Mr. Arnold's occurs on the 8th of September, and from time to time till the first of November. The other delegates did not attend Congress during the term of their appointment. The State was not so represented as to be entitled to a vote, except from July 2d to August 7th.

At the February session, 1788, the General Assembly passed the following act :—

WHEREAS, the honorable the Continental Congress did heretofore recommend to the legislatures of the respective states to appoint delegates to meet in Convention at Philadelphia, in May, A. D. 1787, to make such alterations and amendments in the present Confederation of the United States, as would tend to promote the happiness and good government and welfare of the Federal Union ; and whereas, the said delegates, on the 17th of September, 1787, did agree upon and report to the Congress of the United States a form of Constitution for the United States of America ; and whereas, the said United States in Congress assembled, did by a resolution, passed the 28th day of September, A. D. 1787, transmit said report to the Legislature of this State to be submitted to the people thereof ; and whereas, as this legislative body in General Assembly convened, considering themselves the representatives of the great body of the people at large, and that they cannot make any innovation in a Constitution which has been agreed upon and the compact settled between the governors and the governed without the express assent of the people at large, by their own voices individually taken in town meetings assembled ; wherefore, for the purpose aforesaid and for submitting the said Constitution for the United States to the consideration of the freemen of this State,

BE IT ENACTED BY THIS GENERAL ASSEMBLY, AND BY THE AUTHORITY THEREOF IT IS HEREBY ENACTED, That the fourth Monday in March, instant, be, and the same is, hereby appointed the day for all the freemen and free-

holders within this State to convene in their several towns in town meetings assembled, and to deliberate upon and determine each individual who hath a right to vote for the choice of general officers, by himself, by polls, whether the said Constitution for the United States shall be adopted or negatived.

AND BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID, That the town clerks in the respective towns shall forthwith issue their warrants for the convening of the freemen and freeholders to meet on said fourth Monday in March instant, at such place where the town meetings are usually holden; and the same shall be directed to the town sergeants and constables of the respective towns, who shall cause notifications to be set up in the most public places of resort within such towns, and shall also repair to the usual places of abode of the freemen and freeholders in such town, and give them notice of the meeting aforesaid for the purpose aforesaid; the said town sergeants and constables, to have particular districts pointed out to them to warn the freemen and freeholders, so as not to interfere with each other's district and all the freemen and freeholders may, if possible, have notice, and attend accordingly. And upon the convention of said freemen, they shall appoint a moderator who shall regulate such meeting, and the voices of the freemen and freeholders shall be taken by yeas and nays, and the town clerk of each town shall register the names of each and every freeman and freeholder with the yea or nay as he shall respectively give his vote aloud in open town meeting, and shall keep the original on file in his office, and shall make out a true and fair certified copy of the register aforesaid with the yeas and nays of each and every person thereon, and carefully seal the same up and direct it to the General Assembly to be holden by adjournment at East Greenwich, in the county of Kent, on the last Monday in March instant, and deliver the same to one of the representatives of such town, or other careful person who will take charge of the same, to be delivered to the said General Assembly, then and there to be opened, that the sentiments of the people may be known respecting the same.

AND IT IS FURTHER ENACTED BY THE AUTHORITY AFORESAID, That in case it shall so happen that the fourth Monday in March, inst., shall prove to be stormy or boisterous weather, so that the freemen and freeholders in [general cannot conveniently attend, the said town meeting may adjourn from day to day, not exceeding three days, so that the voices of the people may be taken.

AND IT IS FURTHER ENACTED BY THE AUTHORITY AFORESAID, That the Secretary shall forthwith transmit to each town clerk of the respective towns within this State a copy of this act.

This was the second step taken in this State in relation to the Constitution. The Assembly, in the preamble, exhibits a praiseworthy abhorrence of any innovation on the rights of their constituents. To carry out their ideas fully, they should have called a mass meeting of the people of the State, to act on the Constitution, or rather should have simply suggested the holding of such a meeting, for evidently they had no more power to call a town meeting for such a purpose than they had a mass meeting. The mode prescribed for calling the town meetings and for voting in them were "innovations" on all previous customs. It was certainly as much in the power of the General Assembly to advise the holding of a convention as recommended by the Congress, as the holding of town meetings. The Constitution was transmitted to the Legislature for the express purpose of being laid before a convention, as appears by reference to the resolution of Congress and of the convention that formed the Constitution. It would seem that neither did Congress nor this convention suppose that the legislatures of the states were competent to assent to and ratify this Constitution. Both of them expected the action of the people of each state, and this they supposed could not be had by a mass meeting of the people of each state, or by representatives chosen by such a meeting. The people of every state had been divided into towns or counties or parishes, each of which had been accustomed to choose representatives, and those representatives together had been deemed representatives of the whole body of the people. It would not have been a great stretch of power for these representatives assembled as a General Assembly for general purposes of legislation, to advise their constituents to elect representatives to meet together for any special purpose.

This act passed the house of representatives by a vote of forty-three to fifteen. A proposition to amend it so as to

take the votes of the freemen and freeholders in the special town meetings on the question, whether a convention should be called pursuant to the vote of Congress to decide on the Constitution, was negatived in the same house by a vote of sixteen to thirty-six. A motion to call a convention was also negatived by a vote of twelve to forty-two.

The representatives from Little Compton, brought to this session the following instructions from their constituents :—

TO MESSRS. GEORGE SIMMONS AND NATHANIEL SEARLE, DEPUTIES FOR THE TOWN OF LITTLE COMPTON :

We, the inhabitants of the town of Little Compton, being lawfully assembled in public town meeting, this 6th day of January, A. D. 1788, for the purpose of taking into consideration the proceedings of the late honorable Continental Convention, and being deeply impressed with a sense of the extreme need we stand in, of a well organized, energetic, national government, and viewing the new Federal Constitution as a plan of government well adapted to the present critical situation of our national affairs : We do therefore enjoin it upon you, gentlemen, as our positive instruction, that you and each of you, do use your utmost endeavors, at the next session of the General Assembly of this State, to have an act passed, recommending to the several towns in this State, to choose deputies to meet in State Convention as soon as may be, for the purpose of adopting or rejecting the new Federal Constitution, agreeably to the requisition of the late honorable, the Continental Convention ; and these our positive instructions, gentlemen, you must not fail to execute, on pain of incurring our highest displeasure.

The fourth Monday in March did not prove to be stormy or boisterous weather, so that the freemen or freeholders could not attend the proposed town meeting. The registers of votes were duly returned to the adjourned session of the Assembly on the last Monday of the month. A committee appointed to count the votes, reported the numbers of yeas to be 237, and nays, 2,708, making a majority against the Constitution of 2,471. Thereupon, the Assembly appointed Deputy Governor, Owen, Jonathan J. Hazard, Thomas Joslyn,

Jr., Rouse J. Helme, a committee to draft a letter to the President of Congress enclosing the returns.

The votes cast in the several towns were as follows:—

Newport.....	1	yea, 10	nays.	Exeter.....	6	yeas. 136	nays.
Providence....	0		1	Bristol.....	26		23
Warwick.....	3		140	Tiverton.....	23		92
Portsmouth....	12		60	Little Compton..	63		57
Westerly.....	12		56	Warren.....	2		41
South Kingstown	1		125	Cumberland....	10		113
New Shoreham.	0		32	Richmond.....	1		68
North Kingstown	2		160	Hopkinton.....	38		95
East Greenwich.	2		91	Johnston.....	1		79
Jamestown.....	5		11	Cranston.....	0		101
Smithfield.....	2		158	Middletown....	6		40
Scituate.....	0		156	North Providence	0		48
Glocester.....	9		228	Barrington.....	9		34
Coventry.....	0		180	Foster.....	0		177
West Greenwich.	2		145				
Charlestown....	6		51			237	2,708

The committee appointed to draft a letter to the President of Congress reported the following, to be signed by the Governor in behalf of the Assembly:—

STATE OF RHODE ISLAND, &C.

IN GENERAL ASSEMBLY, April 5th, 1788.

SIR:—The report of the Convention assembled in Philadelphia, being transmitted by the Secretary of Congress, was received by us at the October session last, and one thousand copies thereof were ordered to be printed and sent into the respective towns within this State, that the people at large might have full opportunity of considering and communing upon so important an object, which was immediately done. And at the February session last, the consideration thereof was submitted to the freemen of this State by the enclosed act, and the returns from each respective town being delivered in, it appears that the yeas for adopting the Constitution for the United States were two hundred and thirty-seven, and the nays two thousand seven hundred and eight, agreeably to the within returns. Although this State has been singular from her sister states in the mode of collecting the sentiments of the people upon the Constitution, it was not done with the least

to give any offence to the respectable body who composed the Convention, or a disregard to the recommendation of Congress, but upon pure republican principles, founded upon that basis of all governments originally derived from the body of the people at large. And although, sir, the majority has been so great against adopting the Constitution, yet the people, in general, conceive that it may contain some necessary articles which could be added and adapted to the present Confederation. They are sensible the present powers invested with Congress are incompetent for the national government of the Union, and would heartily acquiesce in giving sufficient authority to that body to make, exercise and enforce throughout the State, which would tend to regulate commerce and the duties and excise, whereby Congress might establish funds for discharging the public debt. It is with regret that any dissensions should exist in this State, when the good of the community is our wish, and it will be our disposition to endeavor to promote whatever appears to us to be of public utility and to harmonize as much as possible.

I am, in behalf, &c.,

JOHN COLLINS.

The following are the names of freemen who voted in town meetings upon the adoption of the Constitution, the towns of Bristol, Barrington, Foster, Coventry, Hopkinton and Weymouth, excepted :—

NEWPORT.

AS.—Thomas Webber.—(1.)

YS.—John Wanton, Thomas Freebody, John Whipple Tweedy, John W. (son of Thomas,) Edward Murphy, Samuel Thurston, (cordwain—William Gardiner, Thomas Arnold, Nathan Luther, Andrew Free—(10.)

PROVIDENCE.

R.—Samuel Sampson.—(1.)

PORTSMOUTH.

AS.—Alexander Thomas, Holder Chase, Giles Lawton, jr., Reuben R., Andrew McCorrie, Pardon Sisson, Robert Barker, Henry T. Sherburne, Tillinghast Almy, John Thurston, Henry Lawton.—

YS.—Thomas Brownell, Jonathan Cornell, David Gifford, Christopher Shearman, Gideon Durfee, Elisha Coggeshall, Clark Cornell, Richard A., William Hall, George Sisson, (blacksmith,) Benjamin Hall, Giles

Slocum, jr., Joseph Brownell, John Tallman, Jonathan Freeborn, Benjamin Brownell, George Sisson, Jonathan Davenport, Restcome Sanford, William Lawton, William Burrington, Benjamin Fish, Gideon Dennis, George Lawton, Joseph Brownell, jr., Barrington Anthony, Thomas Shaw, Eliab Cobb, Job Sisson, Samuel Hicks, George Brownell, jr., George Hall, Joseph Sisson, Cook Wilcox, James Cook, Christopher Sherman, jr., Joseph Shearman, Stephen Brownell, Peleg Lawton, Joseph Kirby, John Sanford, Gideon Shearman, Caleb Shearman, Robert Carr, John Anthony, Job Cornell, Peleg Manchester, Nathan Brownell, William Burrington, jr., Stephen Slocum, Peleg Shearman, William Brightman, Oliver Brownell, Samuel Shearman, Samuel Albro, Thomas Brownell, jr., James Greenman, Walter Cornell, Thomas Cory, George Cook.—(60.)

WARWICK.

YEAS.—Nathaniel Arnold, John Low, Henry Rice.—(8.)

NAYS.—Benjamin Arnold, Moses Lippitt, Peleg Salisbury, Peter Greene, Rufus Barton, jr., James Arnold, Nathan Rice, Jonathan Gorton, Nathan Millard, Daniel Clapp, James Tripp, Stephen Arnold, Thomas Holden, Benoni Price, William Arnold, jr., Caleb Gorton, Abraham Chace, Thomas Arnold, Mathew Price, Moses Budlong, jr., John Levally, Rhodes Budlong, Samuel Davis, William Rice, (of Nath.,) Abraham Lippitt, Samuel Millard, William Gorton, (son to Benj.,) Anthony Rice, James Greene, Othniel Gorton, Elisha Brown, Nehemiah Atwood, Edward Stafford, Joseph Gorton, (son of Nath.,) Peter Levally, Thomas Rice, jr., Nathan Budlong, Thomas Tiffany, Nathan Gorton, Charles Allen, Samuel Sweet, Elisha Baker, (son of Philip,) James Arnold, jr., Daniel Snell, Job Carpenter, Caleb Hathaway, Elisha Baker, 3d, John Lippitt, Othniel Wightman, Samuel Budlong, Caleb Greene, Moses Arnold, Daniel Baker, Joseph Benet, George Barker, John Hall, Joseph Arnold, (son of J.,) Benjamin Barton, Christopher Greene, (son of Sam.,) Joseph Brown, Josephus Rice, Duttee Jerauld, Stukley Wickes, Philip Wightman, Stephen Greene, Solomon Howard, Wilbur Carpenter, James Arnold, 3d, John Budlong, Joseph Straight, Benjamin Gorton, John Levally, jr., Ebenezer Greene, James Greene, 4th, Wightman Sweet, Samuel Gorton, jr., James Greene, 5th, James Whipple, John Allen, William Rice, Gideon Arnold, William Potter, John Arnold, jr., Paul Nichols, John Clapp, Elisha Carpenter, Benjamin Greene, son of Caleb, Rufus Barton, Joseph Briggs, Thomas Remington, William Warner, Jeremiah Westcott, James Carder, jr., William Havens, John Millerd, jr., Duttee Arnold, Henry Arnold, Edward Arnold, John Lilley, Caleb Atwood, George Carder, Thomas Stone, Anthony Arnold, Henry Remington, Philip Arnold, jr., William Gorton, jr., Joseph

Gorton, Jonathan Ellis, Thomas Slocum, John Wells, Anthony Holden, William Potter, William Levally, Thomas Westcott, Benjamin Levally, Benjamin Gorton, jr., Stephen Briggs, William Holden, James Carder, Job Briggs, David Knapp, Thomas Stafford, Charles Holden, George Arnold, William Burk, Caleb Westcott, Daniel Scranton, Thomas Arnold, son of Benj., William Waterman, David Wightman, Thomas Greene, son of Fones, Philip Weaver, Benjamin Nichols, David Arnold, Nicholas Arnold, Randall Holden, Thomas Remington, 3d, Christopher Thornton, Nathan Hathaway, George Arnold, jr.—(140.)

WESTERLY.

YEAS.—George Potter, Samuel Bliven, Joseph Stillman, George Foster, Thomas Noyes, Simeon Burdick, jr., John Stillman, George Stillman, jr., Benjamin Pendleton, Joseph Potter, Peleg Saunders, Amos Maxson.—(12.)

NAYS.—Joseph Noyes, Isaiah Willcox, Ichabod Babcock, Amos Pendleton, Oliver Dodge, Benjamin Barber, Nathan Babcock, Joseph Crandall, Samuel Allen, Peleg Berry, Jonathan Sisson, Jesse Babcock, Sumner Chapman, William Greene, Sylvester Crumb, Ezekiel Gavit, jr., Samuel Champ-
lin, John Gavit, jr., James Sanders, jr., Gideon Frazier, David Hall, Elias Crandall, Stephen Rathbun, Jude Taylor, Hezekiah Gavit, Joseph Babcock, Thomas Taylor, William R. Greene, Valentine Willcox, Benjamin Peckham, Theodaly Hall, Joseph Maxson, John Bliven, William Vincent, George Sisson, Isaiah Willcox, jr., Joseph Wilbur, Samuel Pendleton, Jeremiah Wilbur, William Hiscox, Joseph Lewis, Theodaly Bliven, Daniel Bliven, Joseph Pendleton, Edward Sanders, Isaac Varse, Augustus Sanders, Stephen Gavit, Christopher Segar, Oliver Lewis, Henry Crandall, Joseph Hiscox, Elisha Sisson, Peleg Ross, John Tefft, James Ross.—(56.)

NEW SHOREHAM.

NAYS.—Stephen Franklin, Abel Franklin, Amasa Dickens, Mark Dodge, jr., Thomas Rose, Anthony Littlefield, John Littlefield, jr., Shadrach Card, John Gorton, Lodowick Mott, Thomas Mitchell, Jeremiah Mitchell, Edward Ball, Peleg Pocock, Hezekiah Dodge, Edmund Sheffield, Daniel Mott, William Paine, Jonathan Mitchell, jr., Daniel Dickens, Joseph Mitchell, John Ross, John Paine, Samuel Dodge, James Dodge, Tristram Dodge, Caleb Littlefield, Walter Rathbun, Edward Sands, John Sands, Tredwell Sands, Thomas Littlefield.—(32.)

NORTH KINGSTOWN.

YEAS.—Jabez Reynolds, Nathan Allen.—(2.)

NAYS.—Beriah Brown, Philip Jenkins, John Rathbone, Judah Kingsley, John Greene, Jeremiah Hunt of Samuel, Benjamin Cole jr., Frederic

Gardner, Benjamin Tanner, George Congdon of Joseph, Oliver Carpenter, Stephen Northup, Daniel Dawley, Daniel Updike, John Cozzens, John Greene jr., John M'Kenzie, Silas James, Joseph Pearce of Giles, William Congdon, George Thomas of Samuel, Thomas Clark, Peleg Arnold, Henry Northup of Joseph, Jonathan Reynolds, James Congdon, Job Corey, Nathaniel J. Sherman, Benjamin Watson jr., Thomas Rathbone, Arthur Aylesworth, Sylvester Gardner, Isaac Hall, John Northup, Samuel Sweet, John Cleaveland, Edmond Arnold, Benjamin Jefferson, Joshua Davis, Jeremiah Smith, Stephen Watson, Benjamin Watson, Francis Reynolds, John Mory, William Northup, James Austin, Matthew Allen, Daniel Fones, Samuel Brenton, John Congdon, John Vaughan, Hezekiah Remington, William Wall, Silas Sherman, William Spencer, Corps Essex, Caleb Watson, Jonathan Kingsley, Daniel Vaughan, David Greene jr., Ishmael Spink, David Greene, Jeremiah Hazard, Joshua Pearce, John Greene of David, Anthony Rathbone, Stephen Congdon, Charles Brown jr., Samuel Warner, James Sweet, John Sherman, John Brown, Rouse Helme, Ephraim Mitchell jr., Gideon Northup, James Updike, William Slocum, Sylvester Havens, Benjamin Reynolds of Jonathan, Samuel Watson, Daniel Wall, Joshua Brown, William Remington, Eber Sherman, William Hall of John, Charles Brown, Perry Kenyon, John Brown jr., James Rose, Peter Burlingame, John Chadsey, Japhat Bicknell, Freeborn Hazard, William Mowry, Slocum Hall, Job Card, Caleb Hill jr., John Bowles, Nicholas Spink, Nicholas Spencer, Benedict Peckham, Jabez Chadsey, Gideon Hazard, Stukly Hill, Sylvester Pearce, Robert Eldred, Joshua Vaughan, Stephen Sweet, Benjamin Reynolds of R., Stephen Davis, Joseph Case, Giles Pearce, Samuel Thomas, Christopher Congdon, Joshua Wells, Richard Phillips, Joseph Northup, Samuel Brown, Henry Sherman, Ebenezer Herrington, John Congdon of Jos., Gideon Gardner, Amos Gardner, Phenix Brown, Stephen Sherman, William Reynolds, Benedict Brown, Jonathan Allen, Caleb Hill, James Hiams, George Congdon, Jeremiah Aylesworth, William Brown, John Havens, George Reynolds, Joseph Reynolds, Benedict Dayton, John Hazard of Jona., Beriah Waite, William Hall of Robert, John Alin, Samuel Kingsley, Samuel Case, James Northup jr., Richard Phillips of W., George Thomas of John, Joseph Taylor, Savil Kingsley, Langworthy Pearce, Henry Eldred, John Reynolds of Robert, Thomas Weathers, Peleg Corey, Samuel Dyer, James Gardner jr., Samuel D. Allen, William Hammond, Lodowick Updike, James Northup, Remington Northup.—(160.)

SOUTH KINGSTOWN.

YEA.—Joseph Perkins.—(1.)

NAYS —Joseph Hazard, John Franklin, Robert Champlin, Samuel Segar, Stephen Hassard, Caleb Tefft, Samuel Gardner, Thomas Champlin jr.,

John Gardner (Boston Neck,) Ebenezer Tefft, Simon Ray Mumford, Samuel J. Potter, John Robinson, Caleb Chappel, Robert Hazard, Timothy Peckham, Tennant Tefft, Robert Hazard of Joseph, Thomas Segar, Stephen Potter, Jeffry Watson, William Dyre, John Watson of Jeffry, Thomas Robbins, Isaac Tanner, Samuel Whaley, William Barber, Stephen Champlin, John Larcher, William Steadman, Tennant Tefft jr., Gardner Tefft, Clarke Hopkins, Benjamin Perry, James Steadman, Nathaniel Mumford, Christopher Robinson jr., Benjamin Robinson, Samuel Whaley jr., Benjamin Hazard, Henry Reynolds, Rowland Brown, John Cross, James Shearman, Silas Wheeler, Christopher Robinson, Joseph Gould, George Babcock, William Perry. Henry H. Hollend, David Babcock, Thomas Steadman jr., James Tefft, Samuel Babcock, Allen Gardner, Wilkinson Browning, Gideon Babcock, Benjamin Potter jr., Daniel Tefft 3d, Elisha Watson (of Jeffry,) Thomas Champlin, Samuel Perry jr., Sands Perkins, Joseph Carpenter, Robert L. Knowles, Moses Barber, Nathan Peterson, Gideon Gardner, Josephus Peckham, Elisha Watson (of John,) Augustus Babcock, Ezekiel Watson, Isaac Sheldon, John Weeden, William Rodman, Joseph Browning, Robert Browning, Jeremiah Carpenter, Joseph Segar, Edward Lock, Peleg Kenyon, Caleb Gardner, Gideon Lillibridge, Peleg Babcock, Barber Peckham, John Hopkins, Josias Tanner, James Barber, Paris Gardner, Walter Watson, Daniel Steadman, Gideon Greenman, Henry Potter, Benjamin Peckham, William Peckham, Jeffry H. Browning, David Larkin, William Taylor, Robert Rodman, Freeman Perry, Thomas Browning, Jeffry Watson jr., Thomas Eldred, John Babcock, John P. Peckham, David Shearman, Francis Tanner, Thomas Hopkins, Thomas H. Hazard, Richard Gardner, John Segar, James Card, John Champlin, Christy Potter, Rowse Potter, Samuel Hoxsie, John Greenman, William Wilcox, Silas Gardner, Elisha R. Potter, Timothy Peckham (blacksmith,) John Albro, John Congdon, Lawrence Pearce, Ray Sands.—(125.)

EAST GREENWICH.

YEAS.—Arnold Stafford, William Sweet jr.—(2.)

NAYS.—Caleb Briggs, James Wightman jr., Thomas Vaughan, Pardon Allen, Caleb Hall, John Pearce (of B.), David Austin, Edward Weeden, Elisha Greene, Gardner Spencer, Richard Briggs, John Vaughan, Dennis Carver, John Gardner, William Briggs, Benjamin Langford, Caleb Whitford, David Vaughan (of D.), Wilson Spencer (of S.), James Sweet (of S.) Amos Spencer, Benjamin Vaughan, Henry Spencer, William Bailey, Caleb Coggeshall, David Vaughan, John Spencer, John Tarbox, Joseph Wightman, Remington Kenyon, John Carpenter, Thomas Shippee jr., Robert Vaughan, Samuel Wightman, Job Card, Morgan Carver, Joseph Baley,

Richard Aylesworth, Samuel Tarbox, David Northup, Allen Fry, Thomas Coggeshall, William Marks, Wilson Spencer, William Gardner, George Spencer, Benoni Healy, David Vaughan 3d, Amos Vaughan, Benjamin Vaughan jr., Thomas Hall, Christopher Vaughan, Jonathan Capron, William Peirce, Joseph Cornell, Moses Spencer, James Wightman, Samuel Reynolds, Joshua Godfrey, Anthony Spencer, Jonathan Niles, Michael Spencer, John Fry, Thomas Howland, Joseph Fry, William Foster, Duty Weaver, Robert Baley, Job Comstock, Jonathan Weaver, Oliver Arnold, Stephen Greene, Benjamin Fry, Silas Spencer, William Weaver, Christopher Weaver, William Spencer, Josiah Jones, Nathan Spencer, Jeremiah Spencer. Henry Whitman, Thomas Place, Sylvester Sweet, Thomas Aldrich, Thomas Briggs, Amos Jones, Pardon Mawney, William Greene (of Elisha), Thomas Spencer, George Nichols, Benjamin Howland.—(91.)

JAMESTOWN.

YEAS.—Isaac Hazard, Edward Carr, Nicholas Carr, Peleg Carr, John Weeden.—(5.)

NAYS.—Rowland Robinson, Hazzard Knowles, John Franklin, George Franklin, John Howland, Richard Tew, William Battey, John Eldred, Thomas Hazard, Abel Franklin, Samuel Hopkins.—(11.)

SMITHFIELD.

YEAS.—Joseph Whipple, William Mowry.—(2.)

NAYS.—John Sayles, Samuel Aldrich jr., Abram Winsor, Stephen Whipple, Benjamin Medbury, Nathan Dexter, Oziel Sayles, Christopher Wilbor, Charles Angell, Jonathan Millerd, Jesse Jenks, Amos Cass, Gideon Angell, Richard Harris, Jonathan Harris, Israel Smith, Stephen Aldrich, Stephen Eddy, Nathan Medbury, Edward Medbury, Augustus Winsor, Thomas Newman, Richard Buffum, Israel Harris, Joseph Sprague, Philip Mowry, Israel Arnold, Jared Jenks, Solomon Mowry, David Harris 3d, William Gully, Sylvanus Sayles, Nathan Aldrich, Jonathan Paine, Daniel Wilbur, Samuel Aldrich 4th, Abram Arnold, Joseph Killey, Jonathan Sprague, John Comstock, Hezekiah Herenden, Abraham Angell, Esek Angell, Benoni Paine, Othniel Mathewson, Richard Thornton, Nathaniel Mowry, Daniel Mowry jr., Aholiab Spalding, Eleazer Mowry, Peter Tefft, Thomas Shippee, Joel Cruft, Richard Mowry jr., John Hawkins, Joshua Aldrich, Charles Sayles, John Sayles 3d, Samuel Hill jr., Thomas Smith, Stephen Arnold jr., Abel Mowry, Joshua Arnold, Robert Staples, George Streeter, Ebenezer Staples, William Potter, John Sayles jr., Nathan Arnold, Israel Wilkinson, James Appleby jr., James Tefft, James Appleby, Samuel Keech, John Appleby, Joseph Aldrich, John Carpenter, Samuel Aldrich 5th, John Ballou, David Evans jr., Luke Arnold, Christopher

Gully, Ezekiel Angell jr., Stephen Arnold, David Evans, Aaron Clarke, David Angell, David Alverson, Jabez Angell, Benjamin Brown, Benjamin Newell, Samuel Holmes, Darius Sayles, Obed Seaver, Stukley Sayles, Peleg Peck, John Whipple, Benjamin Sheldon, Jonathan Mowry, Reuben Aldrich, Stephen Sayles, James Smith, Andrew Waterman, Smith Sayles, John Winsor, Daniel Sayles, Samuel Cruff, Joab Man, Stephen Mowry, Robert Lapham, Joseph Angell, Zenas Winsor, Benjamin Wing, Elisha Smith, Nathan Angell, Noah Bartlett, Israel Aldrich, Daniel Man, Reuben Phillips, Samuel Man, Job Aldrich, Robert Harris, John Goldthwaite, William Smith, Abram Mathewson, Gideon Comstock, Eleazer Cass, Nicholas Jenks, William Ballou, Maturin Ballou, Silas Arnold, John Man jr., Oliver Arnold, Nathaniel Spalding, Esek Sayles, Israel Tefft, Benjamin Sayles, Stephen Farnum, Arthur Latham, John Paine, Job Mowry jr., Jonathan Newell, Job Mowry, Philip Sweet, Bernard Chase, Joshua Smith, Nathaniel Aldrich, Esek Smith, Juni Smith, Benajah Sweet, Levi Aldrich, Moses Ballou, Jonathan Angell, Isaac Brayton, Stephen Brayton, Daniel Smith jr., Levi Barnes, Daniel Winsor.—(158.)

SCITUATE.

YEAS.—None.

NAYS.—William West, John Harris, Josiah Colvin, Reuben Hopkins, William Seamans, Nathan Bates, Peleg Fisk, Oliver Westcott, Stephen Smith, John Wright, Jabez Relph, John Vaughan, Richard Smith, Obadiah Walker, Benjamin Wright, Thomas Weaver, Isaac Hopkins, William Salisbury 3d, Thomas Henrys, Reuben Hopkins, Eliezer Collins, Benjamin Horton, John Hill, Isaac Medbury, Emor Olney, Peleg Peck, Ephraim Williams, Ezekiel Wood, John Gile, Pardon Angell, Nicholas Thomas, Benjamin Bosworth, Noah Aldrich, Aaron Aldrich, Thomas Mathewson jr., Henry Wheeler, Nathaniel Lovel, Jeremiah Stone, Barnett Wood, Stephen Young jr., Gideon Cornell, William Aldrich, William Salisbury jr., Charles Walker, John Pratt, Ralph King, Abraham Angell, John Bennett, Samuel Wilbor, Nathaniel Medbury, Dean Kimball, Caleb Westcott, Ephraim Edwards, Thomas Field, Samuel Jenckes, Charles Stone, Benjamin Bosworth, Job Keech, John Potter jr., Benjamin Taylor, Caleb Potter, Christopher Smith, Levi Seamans, Simeon Wilbur, Samuel Fenner, Joseph Fenner, Daniel Fisk jr., James Fenner, William Barnes, William F. Potter, Richard Knight, William Potter, Benjamin Wood, Francis Parker, John Pearce, Nathan Smith, Joseph Young, Abraham Yaw, Stephen Randall, Daniel Seamans, John West, Samuel King, Simeon Arnold, Stephen Smith jr., Samuel Angell, Samuel Wright, Timothy Hopkins, Isaac Medbury jr., Joseph Knight, Thomas Roberts, Daniel Westcott, David Burlingame, Jon-

athan Baker, James Aldrich jr., Jesse Brown, Joseph Huntington jr., Moses Fisk, Gideon Harris, Peleg Westcott, Edward Searles, Stephen Davis, Samuel Potter, Moses Potter, Hanan Hopkins, Square Franklin, John Wilbur, Thomas Parker, John Phillips, Abraham Burlingame, Abner Burlingame, Andrew Angell, Arthur Fenner, Thomas Harris, James Aldrich, Jonathan Smith, Aaron Colvin, Stephen Young, Thomas Mowry, John Edwards, Job Randall, Jonathan Knight, Asa Tourtellot, Samuel Franklin, Jonathan Andrew, Peleg Fuller, Jonathan Remington, Samuel Tefft, William Battey, James Blackmore, William Jefferds, Joseph Bennett, Eza Knight, Joseph Wight, Jonathan Tourtellot, William Colgrove, Stephen Peckham, David Yaw, Hezekiah Wheeler, Benajah Knight, Charles Hopkins, Peleg Colvin, David Phillips, Asahel Collins, John Franklin, Israel Phillips, Elihu Brown, Aaron Wight, Thomas Mathewson, Charles Harris, Abner Pratt, Job Wilbur, James Franklin, Elisha Bowen, William Corey jr., Joseph Harris, Oliver Harris.—(156.)

GLOUCESTER.

YEAS.—Benjamin Wilkinson, Thomas Owen, Jonathan Harris, William Ross, Eleazer Harris, Stephen Blackmar, Simon Smith, David Richmond, Jesse Brown, William Steere.—(10.)

NAYS.—Joseph Olney, Arnold Smith, Benjamin Colwell, Ebenezer Handy, John Smith, Jeremiah Brown, Timothy Wilmarth, Stephen Cooper, Abraham Winsor, Uriah Hawkins, Jeremiah Sweet, John Durfee, Hezekiah Tiuckom, Caleb Logee, Stephen Cook, John Andrews, Daniel Owen, Stephen Smith, Jirah Ballou, Stephen Steere, William Colwell jr., Ezekiel Brown, Enoch Steere, Samuel Phetteplace, Elisha Inman, Richard Coman, Charles Wood, David Inman, Esquire Luther, John Kimball, Daniel Brown, Amasa Endy, Amos Winsor, Stephen Whipple, Samuel Cook, Israel Sayles, Timothy Jenne, Esek Smith, William Coman, Jocktan Putnam, Asa Burlingame, Thomas Howland, Stephen Evans, George Hunt, Benjamin Salisbury, James King jr., Joseph Howland, Nathan Paine 3d, Zaccheus Aldrich, Jeremiah Ballard jr., Josiah Brown, Daniel Smith, Nathaniel Wade, Stephen Woodward, Squire Williams, Preserved Herenden, John Phetteplace, Ezekiel Sayles, Stephen Colwell, Michael Cook, Stukly Turner, Caleb Arnold, Gideon Bishop, William Turner, Joshua Mathewson, James Harris, Robert Sanders jr., Thomas Smith, Othniel Sanders, John Salisbury, Ebenezer Darling, Gideon Cook, Jacob Ballard, Asahel Stone, Adam Phillips, Obadiah Inman, Barzillai Dexter, Jonathan Cowen, George Brown, Andrew Darling, Thomas Steere, Robert Colwell jr., David Colwell, James Lewis, Joseph Davis, Elkanah Brown, Amos Williams, Oziel Hopkins, Olney Eddy, Chad Brown, David Ballou, John Inman, William Eddy, Joshua Cook, John Davis, Joseph Esten, Moses Cooper, Caleb Bartlett, Charles Colwell,

Willard Eddy, Aaron Arnold, John Stone, Edward Davis, James Reynolds, Ishmael Sayles, Esek Whipple, Thomas Sayles, Barak Benson, John Whipple, Zebulon Wade, Ezra Brown, Solomon Herenden, Asa Ballou, John Wells jr., Job Steere, Thomas Barnes, Samuel Potter, Daniel Barnes, Jesse Eddy, Christopher Sayles, James Stone, Aaron Logee, Simeon Place, Daniel Evans, Henry Sanders, Ezra Steere, William Wilkinson, Stephen Salsbury, Ebenezer Darling, John Howland, David Ballou (of Sam.), Samuel May, Samuel Winsor, Jesse Potter, Simeon Sweet, Benajah Whipple, Aaron Winsor, James King, Charles Salsbury, Nicholas Potter, Jesse Armstrong, Silas Thayer, Elkanah Sherman, Simeon Smith, James Cowan, Thomas Wood, Benedict Burlingame, Eleazer Ballou, Jesse Lapham, John Mathewson, jr., Noah Steere, Zebedee Hopkins jr., Bazaleel Paine, Caleb Steere, Nathan Cooper, Andrew Herenden, William Tourtellot, Eliakim Phetteplace, Joseph Shippee, Thomas Owen jr., Andrew Phillips, William Wood, Elisha Burlingame, Elisha Steere, William Wade, Martin Smith, Sylvanus Cook, Thomas Burlingame, Ahab Sayles, Stephen Winsor, Reuben Mason, Benjamin Warner, Jethro Lapham, Rufus Williams, Solomon Lapham, William Arnold, Aaron Phillips, Ezekiel Phetteplace, Obadiah Fenner, Benjamin Hawkins, Joseph Hawkins, Jeremiah Irons jr., Moses Cooper jr., Jonathan Bowen, Jonathan Vallett, Edward Greene, William Hawkins, Benjamin Cowen, John Wells, Daniel Page, Joseph Keech, Joseph Brown, David Richardson, Stephen Aldrich, Jesse Aldrich, David Vallett, Seth Hunt, Jonathan Eddy jr., David Burlingame, Samuel Phetteplace jr., William Hawkins jr., Jesse Winsor, Jesse Keech, Stephen Barnes, Elijah Armstrong, John Steere, Abraham Clarke, Joshua Luther, Joseph Phillips, William Page jr., John Cowen jr., Moses Taft, Ezekiel Phetteplace, Abia Luther, Peter Aldrich, John Perry, Nathaniel Bowditch jr., David Mowry, Solomon Owen, John Esten jr., Esek Brown, John Smithson, Stephen Sanders, Noah Eddy, Benjamin Paine, Stephen Cowen, Joseph Smith.—(227.)

CHARLESTOWN.

YEAS.—Stephen Hoxsie jr., James Congdon, Christopher Babcock, Gideon Hoxsie jr., Gideon Hoxsie, Robert Congdon.—(6.)

NAYS.—Joseph Stanton jr., Thomas Greene, Jonathan J. Hazard, Samuel Cross, Gideon Johnson, Jonathan Hazard jr., William Card, Joshua Card, John Greene, Joseph Holloway, Thomas Healy, Isaac Sanders, Amos Greene, Thomas Greene jr., Simeon Clark, Jonathan Clark, Joseph Sheffield, Thomas Hoxsie, John Collier, Gideon Holloway, William Clarke, Rawson Clarke, Griffith Hazard, Nathan Tucker, Christopher Wording, Joseph Pettee, Bradick Greene, Ichabod Closson, William Purkin, Benja-

min Potter, Allen Greene, James Peckham, Joseph Davis, John Kenyon, Stephen Stanton, Joshua Card jr., Jonathan Macomber, Josiah Utter, Oliver Clarke, Thomas Knowles, William Clarke, Samuel Wording, John Closson, Joshua Kenyon, Kenyon Larkin, Benjamin Wording, Rhodes Hall, Thomas Sheffield, Stephen Nye, Joshua Kenyon jr., Benjamin Hoxsie jr.—(51.)

WEST GREENWICH.

YEAS.—Pardon Tillinghast, Pardon Tillinghast jr.—(2.)

NAYS.—James Reynolds, Benjamin Greene, James Convis, Nicholas Whitford, Henry Tanner, Augustus Ellis, Joshua Carr, George Potter, Caleb Hall, Thomas Albro, Alexander Hopkins, Caleb Greene, John Weathers, Elisha Johnson, William Henry Davis, William Matteson, Uriah Matteson, David Austin, Nathaniel Palmer, Robert Carr, John Herenton, Arthur Aylesworth, Joseph Matteson, Simeon Whitford, Jonathan Matteson, William Richmond, Daniel Pearce, Abel Greene, Amos Reynolds, Caleb Bentley, Ezekiel Matteson, John Strait, William Ellis, Thomas Nichols, Joseph Weaver, William Nichols, Samuel Turner, Rufus Kettle, Thomas Rogers, William Spencer, Thomas Joslin, Jeremiah Matteson, John Carpenter, Ephraim Letson, John Hopkins, Pentecost Sweet, Jacob Lewis, Robert Carpenter, Joseph Niles jr., Edward Burleson, Joseph Burleson, William Burleson, Joseph Wood, John Reynolds, Thomas Strait, Thomas Matteson, David Aylesworth, Joseph Doliver, Reuben Whitford, Henry Olin, Benjamin Weaver jr., Samuel Greene, George Dyer, Caleb Bailey, William Sweet, Colonel Briggs, John Sweet, Joseph Draper, Rufus Ellis, Caleb Carr, William Davis, Joseph Doliver jr., Joseph Potter, David Calver, Josiah Brown, Abel Matteson, Elisha Sweet, William Spink, Thomas Hall, Jonathan Matteson jr., Joseph Hopkins jr., David Matteson 3d, Thomas Collins, Benjamin Johnson, John Johnson, Rufus Matteson, Jonathan Dean, John Parker, Thomas Wait, Edmund Matteson, Charles Carr, John Hall, Thomas Wilcox, Caleb Matteson, Job Matteson, Amos Jakway, Peleg Sweet, Thomas Whitford, Henry Sweet, John Comstock (of Jona.), Robert Hall, Adam Richmond, Nathan Strait, Thomas Colegrove, Benjamin Gardner, Joseph Gardner, John Matteson, Levi Whitford, Nathaniel Niles, John Baily, Esek Carr, Joseph Case, Silas Matteson, Jeremiah Austin, Henry Olin jr., Burton Sweet, Thomas Matteson, David Matteson, James Congdon, Josiah Matteson, Jesse Sweet, Thomas Manchester, Ezekiah Gorton, Rufus Wait, Benjamin Austin, David Hall, Samuel Hopkins, Thomas Young, Josiah Matteson jr., Obadiah Matteson, John Briggs, Elisha Arnold, Jonathan Comstock, William Sweet jr., Gideon Wait, Judiah Judiah, Daniel Howard, Lodowick Greene, David Matteson jr., James

Weaver, Silas Baily, John Greene, Ellis Austin, Jeremiah Stone, Hazard Boss.—(145.)

EXETER.

YEAS.—Pardon Tillinghast, George Peirce, Oliver Spink, Daniel Tillinghast, Samuel Tillinghast, Stuckly Tillinghast.—(6.)

NAYS.—Robert Reynolds, Henry Harrington, Thomas Weeden, John Hoxsie, Job Willcox, Joseph Baker, Joseph Crandall, George Willcox, James Lewis, Gardner Lillibridge, John Tefft, Hopson Willcox, George Reynolds, Daniel Whitman, William Potter, Robert Willcox, Jeremiah Smith, Michael Dawley, Joseph Money, John Joslin jr., Stephen Watson, Benjamin Potter, Daniel Dawley, Nathan Dawley, Benjamin Brown, John Richmond, David Hill, Timothy Lawton, George Rathbone, Daniel Sunderlin, William Holloway, Oliver Dawley, William Hiams, Moses Barber, John Browning, Joseph James, Nathaniel Barber, John Cottrell, Stephen C. Gardner, Christopher Harrington, Simeon Rathbone, John Champlin, Daniel Sunderlin jr., Robert Willcox, Joseph Rathbone, Ebenezer Moon, Benjamin Reynolds (of C.), Benjamin Bentley jr., John Bates, Augustus Sunderlin, William Strange, Earl King, Stephen Richmond, Samuel Champ-
lin, Eber Sherman, Jonathan Reynolds, Nathan Willcox, John Herrington, Samuel Bissell, Samuel Money, Silas Terry, James Baker, Eber Sherman, jr., Edward Richmond, Roger Sheldon, Sweet Hill, Amos Whitford, Isaac Chapman, John Nye, Josiah Lawton, Nicholas Watson, John Kenyon, Henry Albro, Nicholas Dawley, John Joslin, Jonathan Reynolds jr., Beriah Brown jr., Benjamin Dawley, Moses Shearman jr., Abel Gardner, John Rhodes, George Reynolds (of B.), Daniel Dawley, Phineas Kenyon, Joseph Reynolds, John Baker, Benjamin Lillibridge, Samuel Bissell jr., John Sweet, Moses Shearman, Samuel Gorton, John Gardner jr., Ezekiel Whitford, Joseph Holloway, Oliver Lawton, Ephraim Codner, Caleb Arnold, Ebenezer Willcox, Jabez Sweet, John Maguire, Harry G. Gardner, Joseph Lewis, Reynolds Shearman, Caleb Arnold (of J.), Samuel Gardner, Benjamin Lewis, David Cottrell, Obadiah Rathbone, John Willcox, Abraham Willcox jr., John Lewis, John Bates, Noah Willcox, Jonathan Lewis jr., Josiah Arnold, Robert Shearman, Henry Reynolds (of Job,) William Terry, George Codner, Daniel Barber, Jonathan Barber, Henry Reynolds, Jeffry Hazard, Sanford Moon, Abel Reynolds, Beriah Hopkins, Tobias Pillsbury, Edward Armstrong, Benjamin Wait, John Sweet jr., Daniel Barber jr., Samuel Arnold (of Jo.), Richard Boon, Benajah Shearman, Jeffry Willcox, Stephen Reynolds, Isaac Willcox, John Whitford, Joseph Reynolds jr., Lillibridge Barber.—(140.)

MIDDLETOWN.

YEAS—Nicholas Easton, Stephen Peckham, James Pötter, Salisbury Stoddard, Elisha Barker, Isaac Stoddard.—(6.)

NAYS—Thomas Coggeshall, William Peckham, Joshua Barker, John Rogers, Elisha Peckham, William Peckham jr., Peleg Allen, Samuel Wyatt, Peleg Peckham, John Gould, George Irish, Pardon Brown, David Albro, Silas Peckham, Edward Barber jr., Caleb Peabody, John Wood, Weston Clarke, Benjamin Peabody, David Barker, Peleg Barker, John Coggeshall, Easton Bailey, Gideon Brown, William Brown, Joseph Weaver, Joseph Coggeshall, Matthew Weaver, Daniel Weaver, William Coggeshall, Richard Peckham, Samuel Cornell, Joshua Peckham, Jeremiah Barker, Wanton Slocum, Samuel Peckham, Joseph Peckham, John Beavin, Edward Easton, Peleg Brown.—(40.)

TIVERTON.

YEAS—Joseph Durfee, Peleg Simmons jr., John Negus, Abner Wood, Peleg Sanford, William Cory (son of Caleb,) Edward Woodman, Relford Dennis, Isaac Cook, Daniel Dwelly, Gideon Durfee, Thomas Cook, Philip Corey, Abraham Brown, Abraham Barker, Thomas Barker, Lemuel Bailey, Isaac Brown, Joseph Barker, Pardon Gray, Joseph Seabury, John Perry, Lemuel Taber.—(28.)

NAYS—Benjamin Jenks, George Crocker, Paul Mosher, John Durfee, Joseph Sowle, Benjamin Sawdy jr., Joseph Taber, William Wodell, Daniel Round jr., Scriton Hart, Benjamin Hambly, Elihu Gifford, Ephraim Davenport, John Hicks, Jeremiah Cook, Benjamin Chace, Thomas Sisson, Godfrey King, Stephen King, Stephen Mosher, Stephen Hicks, Zebedee Mosher, William Cory (son Dd.,) Zuriel Fisk, William Willcox, William Gifford, Isaac Case, Philip Sisson, Abner Sherman, Olphree King, Abner Crandall, Thomas Cory (son of T.,) John Tripp, Edward Bailey, John Borden, Issac Jennings, Holder Almy, Isaac Hart, Isaac Wilcox, Michael Macomber, Daniel Brown, David Eddy, Gilbert Manchester, Gershom Wodell jr., Daniel Grinnell, Christopher Wodell, John Jenks, Aaron Borden, Obediah Dennis, Richard Sherman, Benjamin Sawdy, Paul Crossman, Thomas Willcox, Daniel Sherman, Jotham Round, Eber Crandall, Gamaliel Warren, Israel Brownell, Gideon Grinnell, Benjamin Borden, Ephraim Chamberlin, Sampson Sherman, Gideon Almy, Thomas Cory, Samuel Sanford, Prince Durfee, James Durfee, Daniel Devol, Gershom Wodell, Knowles Negus, Walter Cook, John Freeman, James Tallman, Weaver Osband, Benjamin Borden (of James,) Philip Manchester, Wanton Devol, Pardon Cook, William Sawdy, Thomas Durfee, Gilbert Devol, Benjamin Howland, Christopher Manchester, Ichabod Simmons, Nathan—

iel Shaw, Lot Sherman, Abraham Barrington, Abner Simmons, Godfrey Perry, Benjamin Hambly, John Stafford, Constant Hart.—(92.)

LITTLE COMPTON.

YEAS.—John Bailey, Benjamin Coe, Constant Seabury, Zebedee Greenell, Thomas Briggs, Billings Greenell, Gideon Simmons, Zebedee Stoddard, Joseph Brownell, Joseph Wilbur, Job Manchester, Ebenezer Church, Nathaniel Tompkins, Silvenous Brown, David Hilliard jr., Nathaniel Searle, Joseph Gifford, George Wood, John Woodman 2d, Nathaniel Church, Burden Wilbur, Isaac Wood, Samuel Coe, Adam Simmons, Thomas Davenport, Isaac Baley, William Simmons, Gamaliel Tompkins, William Ladd, Caleb Church 2d, Lemuel Sawyer, Jeremiah Davenport, Gideon Taylor, Ichabod Wood, Aaron Wilbur, David Hilliard, Robert Woodman, Enos Gifford, Samuel Gray, Robert Taylor, William Brown, William Baley, Elisha Woodworth, Thomas Brownell, William Southworth, William Woodman, Thomas Richmond, Isaac Simmons, John Tompkins, Barnabus Clapp, Arnold Stoddard, John Greenell, Benjamin Tompkins, David Tompkins, Abell Simmons, William Richmond, Perez Richmond, John Davis, Philip Taylor, Nathaniel Taylor, Nathaniel Simmons, Nathaniel Stoddard, John Woodman.—(63.)

NAYS.—Jonathan Taylor, Nathaniel Dring, Thomas Wilbur, John Brownell, Thomas Brown, Charles Brownell, John Pearce 2d, Henry Head, William Wilbur jr., Wing Durfy, Aaron Simmons, Stephen Brownell 2d, John Bennet, Seth Shaw, Benjamin Head, George Simmons, Israel Shaw, William Hunt, William Carr, Moses Brown, Brownell Stoddard, Peter Shaw, Nathaniel Pearce, Forbes Little jr., Aaron Greenell, Peleg Wood, Ezra Chase, Caleb Simmons, Elkanah Palmer, Fobes Little, Charles Manchester, Benjamin Stoddard, Benedict Palmer, John Carr, John Wilbur, John Simmons, Daniel Wilbur, Thomas Palmer, John Salisbury, Zurah Simmons, George Brownell 2d, Isaac Peckham, James Pearce, Pardon Snell, Joseph Pearce, Isaac Wilbur (son of John,) Joseph Brown, Canaan Gifford, Benjamin Head sen., Abner Wood, Owen Greenell, Thomas Baley, Jonathan Brownell, Joseph Bennet, Thomas Irish, William Wilbur, Gideon Gifford.—(57.)

WARREN.

YEAS.—John Brown, Jonathan Carr.—(2.)

NAYS.—Gideon Luther, John Kennicutt jr., William Arnold jr., Ebenezer Luther, James Child, Joseph Barton, James Short, Isaac Cole, Samuel Fish, Stephen Bowen, Cromel Child, Benjamin Barton, Edward Gardner 2d, John Kennicutt, Gardner Mason, Jacob Sanders, Cromel Child 2d, David Barton, Frederic Luther, James E. Bowen, Samuel Bowen, Smith

Bowen, James Bowen, Edward Kinnicutt, William Arnold, Richard Haile, Nathan Barden, Benjamin Cole, George Sisson, Samuel Luther, Caleb Child, James Miller, Caleb Child jr., Shubael Kinnicutt, James Sisson, Benjamin Sanders, Jesse Baker, Edward Chase, Samuel Mason, Hezekiah Bosworth, Holden Mason.—(41.)

CUMBERLAND.

YEAS.—Elisha Waterman, William Carpenter, Nathaniel Cook, Jonathan Mason, Simeon Whipple, Jeremiah Whipple, Jeremiah Whipple Jr., Amariah Weatherhead, William Ballou, Isaac Otis.—(10.)

NAYS.—Reuben King, John Gould jr., Benjamin Wilkinson, Simon Wilkinson, Amos Whipple, Roger Alexander, Esek Cook, John Lapham, Thomas Joslin, Joseph Arnold, Eleazer Whipple, Jonathan Aldrich, John Grant, Moses Whipple, Jeremiah Inman, Henry Ray, Peter Miller, Daniel Jenks Jr., Abraham Follett, Nathan Jillson, Elijah Brown, John Haskell, Edward Ballou, Stephen Whipple, Levi Weatherhead, Joseph Lee, Anthony Razee, William Follett, Joseph Whipple Jr., Daniel Whipple, Eleazer Cook, Abner Haskell, Nehemiah Allen, Stephen Brown, Hezekiah Cook, Jeremiah Amsbury, Jesse Ballou, Levi Tower, George Ide, John Fisk, Jeremiah Bartlett, Ariel Brown, Enoch Weatherhead, Ichabad Brown, Abraham Cook jr., Stephen Inman, John Walcott, Enos Jillson, Abraham Cook, Amos Sprague, Jeremiah Scott, Daniel Bartlett, William Emerson, Samuel Chamberlin, John Bishop, William Chaffee, Ananias Cook, Joseph Ray, Eliphalet Lovett, Gideon Bishop, Peter Darling, Ephriam Whipple, Noah Ballou, Joseph Chace, Simon Whipple 2d, James Arnold, Timothy Bennett, Daniel Wilcox, Gilbert Grant, David Dexter jr., John Jenks, Levi Arnold, Peter Darling jr., Ezekiel Ballou, Job Chamberlin, John Butterworth, Rufus Bartlett, David Jenks, Ariel Ballou jr., Stephen Staples, Samuel Arnold, Joseph Staples, Ariel Cook, John Weatherhead, Nathan Arnold, Joseph Jenks, Preserved Whipple, Gideon Jenks, Comfort Haskell, Silas Clark, Samuel Estes, Samuel Grant, Abraham Sprague, Roger Hill, Christopher Whipple, Nathaniel Jillson, Joseph Whipple, Isaac Razee, Nathaniel Gould, Simeon Bishop, John Wilkinson, Jotham Carpenter, Nicholas Brown, James Cargill, William Gaskill, Ibrook Whipple jr., Joseph Razee, Roger Alexander jr., Benjamin Peck, Enoch Arnold, Abner Lapham, Isaac Martin, Abel Aldrich.—(113.)

CRANSTON.

YEAS.—None.

NAYS.—John Randall, Elisha Wightman, Rhodes Arnold, Anthony Aborn, Thomas Corpe, Joseph Lockwood, Robert Knight, Samuel Fenner,

Miel Salsbury, Josiah Battey, John Wightman, William Knight, Barzillai Knight, Thomas Field, Samuel Henry, Joseph Aborn, Anthony Potter, George Waterman, John Payne, Job Knight, John Dyer jr., William Collins, Thomas Potter, James Sheldon, Robert Briggs, Jeriah Hawkins, Philip Burlingame, John Harris, Joseph Brayton, Jonathan Sprague jr., Abraham Whipple, Christopher Waterman, William Burton, Ephraim Roberts, Joseph Knight, Stephen Fenner jr., Benjamin Knight, James Knight, Pearce Salsbury, Elisha Arnold, Ezra Dean, Peleg Arnold, Jeremiah Knight, John Dyer, Henry Knight, Oliver Roberts, William Hoyle, William Warner, Jonathan Westcott, Benjamin Williams, Joseph Burges jr., Joseph Potter, Samuel Bennett, John Andrews, Nehemiah Rhodes, Stephen Field, Randall Smith, Sylvester Potter, Caleb Burlingame, William Aldrich, Nathan Williams, Jonathan King, Henry Randall, Joseph Burges, Nathan Westcott, Nicholas Sheldon jr., Stephen Sprague, Caleb Potter, Nehemiah Knight, Charles Dyer, Henry Randall jr., John Stafford, Caleb Baker, Jeremiah King, John Williams, Asa King, Elisha Williams, Frederic Williams, Joseph Sarle, Philip Arnold, Pardon Burlingame, James Burlingame, Pardon Sheldon, Nehemiah Carpenter, Elisha Carpenter, Zuriel Randall, Stephen Dyer, John Arnold, John Barton jr., William Randall, William Potter, Stephen Sheldon, Nicholas Sheldon, Zuriel Waterman, Holliman Potter, Stephen Sheldon, Nicholas Sheldon, Zuriel Waterman, William Potter, Samuel Westcott, Urian Westcott, Waterman Randall, Ezekiel Sarle, Remington Sheldon, John Waterman.—(101.)

JOHNSTON.

YEAS.—John Greene, John Smith.—(2.)

NAYS.—Jonathan Arnold, Daniel Angell, Nehemiah Atwood, William Angell, Philip Arnold, William Alverson, Joseph Borden, John Brown, Charles Brown, Jacob Belknap, John Brown jr., David Brown, Obadiah Brown jr., Oliver Borden, William Borden, Abraham Belknap, jr., Benjamin Carpenter, Samuel Dyer, Pardon Fenner, Caleb Harris, Andrew Harris, Christopher Harris, John Harris, Cyrus Harris, Josiah King, William B. King, Benjamin Kimball, William Latham, Consider Luther, James Mathewson, Noah Mathewson, Edward Manton, William Mathewson, Barack McDonald, Thomas Man, Jeremiah Manton, John McDonald, Essek Olney, Isaac Olney, Samuel Pearce, Jonathan Patt, John Paine, Benjamin Paine, Squire Paine, Joseph Randall, Joshua Remington, William Rhodes, Jeremiah Sheldon, James Sweet, Rufus Sprague, Valentine Sweet, Nehemiah Sheldon, Philip Sweet, Daniel Thornton, Richard Thornton, Solomon Thornton jr., Christopher Thornton, Seth Tripp, Jonathan Thornton, Borden Thornton, John Waterman, Job Waterman, Peleg Williams, Benjamin Waterman, William Waterman, Daniel Waterman, Nathaniel Waterman, Job Water-

man jr., Isaac Winsor, Laban Waterman, Samuel Winsor, James Winsor, Joseph Wilbur, Daniel Wilbur, Wilbur Williams, Oliver Williams, Caleb Williams, Daniel Williams, William Williams.—(79.)

NORTH PROVIDENCE.

YEAS.—None.

NAYS.—Elisha Brown, Thomas Olney, Thomas Olney jr., Edward Smith, Nehemiah Smith, Jesse Smith, Solomon Angell, James Angell jr., Samuel Olney, Charles Olney, Charles Olney jr., Epenetus Olney, John Whipple, Daniel Whipple, Benjamin Whipple jr., Ezra Olney, Caleb Jenks, Abner King, Joy Ladd, Stephen Brown, Hezekiah Olney, Eleazer Whipple, Rufus Angell, Nicholas Whipple, James Angell, Daniel Hopkins, Ezek Smith, Peter Randall, Joseph Randall, William Randall, Jeremiah Dexter, Ezek Esten, Jonathan Pike, William Dexter, Shephen Jenks, Ichabod Jenks, Eleazer Jenks, Nathaniel Walker jr., Constant Martin, Abner Salisbury, Abel Olney, John Pitcher, Peter Pike, Rufus Tefft, Abraham Smith, Peter Burrows, Comfort Jenks, John Wilkinson.—(48.)

It is apparent that the votes cast at this special town meeting do not represent the numbers either of the friends or of the opponents of the Constitution, nor the relative strength of the parties. The friends of the Constitution refused to vote, in most of the towns. It was generally understood, that they would not attend the meetings. They objected that this was not the mode of acting on the subject recommended by Congress; that it precluded all amendments and all opportunity of proposing any. Their refusal to vote would, in all probability, induce many not to go to the town meetings, who were opposed to the Constitution and would have voted against it, if they had voted on the question. It is impossible to ascertain what was the number of freemen in the State at this date. In the spring election of 1787, there were four thousand two hundred and eighty-seven votes cast for Governor. The number in 1788 cannot be ascertained, though probably it was larger.

The freemen of Newport, at their town meeting, March 24th—which was adjourned to March 26th, instructed their representatives to vote for a Convention. The instructions were

drawn up by Henry Bliss, Robert Taylor, Christopher Ellery, Thomas Rumreill, Isaac Senter, William Channing, Henry Goodwin and George Sears, a committee appointed for that purpose.

The freemen of Providence appointed David Howell, John Innes Clark, Thomas Arnold, Theodore Foster and Benjamin Bourne to draw up a petition from them to the General Assembly for the same purpose. Their report was adopted at an adjourned town meeting held March 26th.

The following petition from the freemen of Bristol was also presented at the same session :—

TO THE HONORABLE THE GENERAL ASSEMBLY OF THE STATE OF RHODE ISLAND, &c., to be convened at East Greenwich, on the last Monday of March, A. D. 1788 ; the petition of the subscribers, freemen and freeholders of the town of Bristol, in said State, most respectfully sheweth—

That your petitioners are deeply impressed with the conviction of the expediency of having a State Convention holden in this State for the purpose of discussing and deciding on the new Constitution proposed for the United States. This measure, in the opinion of your humble petitioners, is become expedient, not only from that decent respect which is due to those who first recommended it, but we conceive it will afford the advocates and opponents of this new system of government an opportunity fully to examine and display all its excellencies and all its defects, and the people of this State, from so liberal a discussion, will be fully qualified in point of information to decide on the important question by their delegates in the State Convention. Your petitioners, therefore, most humbly pray, that your honors will be pleased at the next session to recommend to the freemen of this State, to elect delegates in the several towns to meet in a State Convention, fully and freely to examine and discuss the new Constitution and to decide thereon.

And your petitioners, as in duty bound, will ever pray.

Josiah Finney,	William Smith,	Samuel Smith,
Richard Smith,	Benjamin Wardwell,	John May,
William Gladding,	Jos. W. Greene,	John Gladding,
Samuel Church,	Thomas Church, 2d,	John Norris,
John Waldron,	Samuel V. Peck,	John Gladding, jr.,
George Coggeshall,	Simeon Munro,	Joseph Diman,

Jonathan Peck,	Daniel Lefavour,	Richard Smith, jr.,
Jonathan Russell,	Charles DeWolf,	John Howland, jr.,
Stephen Smith,	Josiah Smith,	A. Bonam,
Samuel R. Perrin,	William Fales,	Jonathan Diman,
Jeremiah Ingraham,	William Munro, 2d,	William Coggeshall,
Nathaniel Smith,	Simeon Ingraham,	Thomas Swan,
Moses Van Doorn,	Newton Waldron,	Jonathan Fales,
Samuel Wardwell,	E. Cooke,	Solomon Drown,
Jonathan Peck, jr.	John Waldron,	William Lindsey,
Seabury Manchester,	Nathaniel Smith, 2d,	Benjamin Hoar,
Joshua Gladding,	Jeremiah Diman,	John Howland.
Isaac Wardell,	James Diman,	

At the session of the Assembly on the last Monday in March, 1788, the friends of the Constitution renewed their motion in the house of representatives, for a Convention. It was negatived by twenty-seven majority, less by three than that of the previous session.

It does not appear that any action on the Constitution was moved either in the May or June session, 1788.

It has been supposed, probably with truth, that a majority of the citizens of the United States, were opposed to the Constitution at the time it was reported to Congress, and the probability was that it would be rejected by the conventions of several of the States. The friends of the Constitution labored incessantly in its favor, combatting objections to it and urging its adoption. The convention of Delaware came first to the question, and ratified the Constitution on the 7th of December, 1787. As state after state followed her example, the friends of the Constitution increased in numbers and in activity. Before the close of May, 1788, eight states had adopted the Constitution. The convention of New Hampshire met the next month for its final action, and on the 21st of that month followed their example. This insured final success, for it was apparent that the other states would sooner or later join in this new confederacy. It was therefore hailed

with demonstrations of great joy by the friends of the Constitution, especially by those in the states which had yet to pass upon the question. News of this auspicious event reached this State on the 24th of same month. At Providence, the bells of the different churches rung out a merry peal, the schools were dismissed, and cannons were fired. On the 27th the citizens at a public meeting, resolved to celebrate "the adoption of the Federal Constitution by nine states," and the anniversary of American Independence, on the 4th day of July. The Rev. Dr. Hitchcock delivered an address on the occasion, in the First Baptist meeting house. After the services at the meeting house a very large company sat down to a public dinner on the plain, on the north side of the cove. An ox, roasted whole, formed a part of the provision made for the dinner. A general invitation was extended to the people of the neighboring towns to join in this celebration. This circumstance is thus particularly noticed, on account of other proceedings which grew out of it, and which show the high excitement then existing in relation to the Constitution. They are minutely described in the following article, which is copied from the *United States Chronicle*. The signer of it was at the time a judge of the Superior Court of the State.

On the 24th day of June last, the account of New Hampshire's adopting the Constitution, reached the town of Providence, when a number of the leading men of the town caused the bells to be rung on the occasion, and repaired to Beacon Hill, where they spent part of the day in joy and festivity, expressive of their feelings on this occasion; but not content with thus solacing themselves in mirth and merriment, they soon concluded to have one general celebration of the adoption of the new Constitution and the independence of America, on the Fourth of July inst., it being the anniversary of American Independence; which celebration was to be on the plain to the northward of the bay or cove. Here they proposed to have an elegant feast, consisting, among other things, of an ox roasted whole. To this celebration or feast, they proposed to give a general invitation to the town and country. Accordingly in the next Saturday's *Gazette*, and Thursday's *Chronicle*, was inserted a general invitation to the town and

country, to assemble on this occasion, and, likewise, special invitations were sent to his Excellency, the Governor, the Deputy Governor and assistants, the honorable the Superior Court, the Treasurer, Secretary and Attorney General of the State; besides which the inhabitants of the town of Providence, were additionally invited, by beat of drum and public outcry through the streets.

The public, at large, seeing preparations for so public a celebration of the adoption of the same Constitution, which had already received the disapprobation and disgust of, at least, four-fifths of the individual inhabitants of this State, as well as of the legislative authority of the State, did thereupon, at once perceive, that said entertainment in such a public manner, was intended as a public insult upon the legislative authority of the State, as well as the body of the people at large, and that this invitation to the particular officers, as well as the general invitation to the country, was intended as an aggravation, to the insult, and that the celebration of Independence as part of the occasion of said festival, was united in said invitation merely for the purpose of alluring the country to join with the designing few at the social board, and thereby take occasion to represent to the other states, that town and country had joined to celebrate the adoption of said Constitution; and insinuate that the opposition of this State to the Constitution was given up. On which consideration the country was roused with indignation and resentment against the artful and designing few, who would thus publicly insult the dignity of the State, and at the same time thus craftily endeavor to allure the unwary, ignorantly, to assist them in the prosecution of their nefarious schemes, and were determined, if possible, to prevent the celebration of the feast, on the proposed principles, and to support the dignity of the State, whereupon, on the night previous to the intended celebration, they assembled in arms, to the number of about one thousand men, near to the plain where the ox was roasting, and early on the morning of the Fourth inst., numbers from all quarters of the country adjacent were collecting, and had not a compromise taken place between town and country, it is reasonably supposed there would not have been less than three thousand men assembled under arms by 12 o'clock of the same day. About 11 o'clock of the evening of Thursday, the town sent a committee to inquire what the country demanded, whereupon they were informed, that the country had no objection to the celebration of any occasion, except that of the new Constitution, or its adoption by any of the states, on which it was agreed that a committee of each party should meet in the morning with an endeavor to accommodate matters to the satisfaction of the country. Accordingly the committees were chosen, and met at about 7 or 8 o'clock in the morning. The committee from the town consisted of Jabez Bowen,

David Howell, Welcome Arnold, John I. Clark, Benjamin Bourne, Esqs., Col. Zephaniah Andrews and Mr. John Mason. The committee of the country consisted of William West, Esq., Capt. Andrew Waterman, Abraham Mathewson, John Westcott and Peleg Fisk, Esqs., Col. John Sayles and Capt. James Aldrich; and upon their conferring together about an hour, it was agreed, on the part of the town, that they would not celebrate the day on account of the adoption of the new Constitution by nine states, or on account of said Constitution in any respect whatever; that no salutes should be fired or toasts drank in honor of said Constitution, or in honor of any state or states which have adopted said Constitution, that they would only honor the day by a discharge of thirteen cannon and thirteen only, that the celebration of the day should be in honor of the independence of America and that only, and that they would not publish or cause to be published any account contrary to said agreement. In consideration whereof, it was agreed, on the part of the country, that the men then under arms should withdraw from the field and suffer the town to go on with their feast according to the aforesaid agreement, in peace and quiet. Then one member from each committee went to the troops under arms and declared to them the particulars of the aforesaid agreement; whereupon they retired in pursuance of said agreement.

WILLIAM WEST, ONE OF THE COMMITTEE.

The town's committee published a reply to this a few days after in the *Providence Gazette*. Most of the statements of Judge West that have a bearing on this subject are there admitted.

The day following, the citizens of Providence indulged in a salute of ten cannons on receiving the news of the adoption of the Constitution by the state of Virginia.

The convention that formed the Constitution of the United States in the resolution that accompanied it, provided, that the states should report to Congress their several acts of ratification, and that when nine states had duly ratified it, Congress should take the necessary measures to inaugurate the government under it. On the 2d day of July, 1788, Congress appointed a committee to examine the proceedings of the several State Conventions that had been returned to them, and to report an act of Congress for putting the Constitution

into operation. This committee reported on the 14th of July, an ordinance for that purpose. It was debated and amended, and not finally adopted until September 13th. That ordinance provided,

That the first Wednesday in January next be the day for appointing electors in the several states, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective states, and vote for a President; that the first Wednesday in March next, be the time and the present seat of Congress the place for commencing the proceedings under the said Constitution.

After the passage of this ordinance, little was done by Congress. The last vote taken on any matter was on the 10th day of October, 1788. A few members, not a quorum, however, continued to assemble until the first Monday in November. Mr. Arnold was at his post until that day.

MESSRS. ARNOLD AND HAZARD TO GOV. COLLINS.

NEW YORK, 5th of June, 1787.

SIR:—We consider that it is our duty to inform your Excellency of our safe arrival here, and although from the shortness of the time we are unable to give a particular account of the business before Congress, we in general inform, that there are several matters of importance under consideration; one of which is the dividing of the state of Virginia, and thereby making a fourteenth state, by the name of Kentucky. It appears by the acts of the legislature of that state, that they have agreed to that measure, and there is a memorial from the inhabitants of that country for that purpose now before Congress. The expediency of such a measure at this time we submit to your Excellency's consideration, without making any comment thereon. There is at this time eleven states represented, and when any matters of importance to the Union are acted upon, we shall immediately communicate them. We are under the necessity of informing your Excellency that it is necessary for the State to make further provision for our support, which we desire may be done in such manner as to be least injurious to the State, and be productive of the greatest advantage to us.

We do not presume to dictate, but submit whether it would not be the most eligible mode to appoint a person in the State to receive such sum of

money as the honorable Assembly grant, and supply us with the net proceeds of it. By this means we shall be furnished much sooner, and relieved from the great inconveniency that will attend on us if directed to draw the money when at this distance from the State.

With perfect respect and esteem, we have the honor to be,

Your Excellency's most obedient and humble servants,

PELEG ARNOLD,
JONATHAN J. HAZARD.

MESSRS ARNOLD AND HAZARD TO GOV. COLLINS.

NEW YORK, 6th June, 1788.

SIR:—We are informed that, from a variety of causes, the State of Rhode Island will be prevented from exhibiting for settlement their claims against the United States, within the time limited by resolve of Congress. If it is found necessary for the time to be lengthened, we desire to have instructions from the State for that purpose, setting forth the reasons which makes the application necessary.

There is an application from the State of Virginia for lengthening the time for that state, now before Congress, and if Rhode Island finds it necessary to apply, we think the sooner the more likely to obtain.

We are, with respect, your Excellency's most obedient and humble servants,

PELEG ARNOLD,
JONATHAN J. HAZARD.

MR. ARNOLD TO GOV. COLLINS.

NEW YORK, October 20th, 1788.

SIR:—I have enclosed herewith for the information of your Excellency and the State, the Journal of this year to the first day of this inst. The Secretary informs, that the part preceding this has been officially transmitted. By the resolution of the 20th September, you will find an indent requisition on the states for the present year. I presume that indents may be obtained on better terms at this time, and that it will be for the interest of the State to make timely provision to discharge her quota of indent requisitions.

By the resolution of the ninth and thirteenth September, three Commissioners are appointed in pursuance of the ordinance of May 7th, 1787, they being empowered by said ordinance to admit claims against the Union that are not supported by vouchers, (as therein set forth,) on principles of equity and justice. If the State have any such claims, I suggest whether it will not be necessary to appoint some person having good information of the nature of them, to attend the Commissioners after they meet, in order

to state to them the nature of all such claims. As it will be but a short time before a new form of government will take place in the United States, and as the State which I have the honor to represent have not thought proper to adopt that form of government,—I submit, whether it is not expedient for the State to take the proposed Constitution under consideration and make their objections to the particular parts that are incompatible with a good system of government, and make known to the states of the Union on what terms the State would join them. This is a subject on which I have contemplated for a considerable time, and it appears of such importance as to require united wisdom and mature deliberation to enable the State to pursue prudent measures.

The Federal lands in the western country, which on principles of good policy, must be appropriated as a fund for sinking the National debt, are selling and preparing for sale for that purpose. The Geographer is now in that country surveying, and measures have been taken to hold a general treaty with the different tribes of Indians inhabiting those lands, in order (if possible,) to establish a permanent peace and extinguish their claims to them.

I am under the necessity of informing, that my situation renders it expedient for the State to make further provision for my support. Such matters as are unfinished at the end of the year and others that concern the Union, will be taken into consideration by the Congress which are to assemble the first Monday in November next. If it is the desire of the honorable Assembly that I should represent the State the next year, I hope they will give directions for one of my colleagues to take his seat.

With sentiments of esteem, I am your Excellency's most obedient and most humble servant.

PELEG ARNOLD.

At the general election in May, 1788, Peleg Arnold, Jonathan J. Hazard, Thomas Holden and John Gardner, were chosen delegates to attend the Congress to meet on the first Monday in November, of that year. On that day only two members of Congress were present, one from Maryland and one from North Carolina. Mr. Gardner, from this State, appeared on the 12th of February, 1789. Only nineteen members had appeared up to the 2d day of March, and on no day a full representation of any one state. No organization of the body was attempted at any time. There was no such officer as President of Congress after November 3, 1788, no Congress in being, and no government of the Confederate States.

The new Constitution went into effect according to the resolution of Congress, on the 4th of March, 1789, but the House of Representatives was not organized until the 1st of April, nor the Senate until the 6th of the same month, for want of a quorum. The oath of office was not administered to George Washington, the first President, until April 30th. So that, in fact, there was no government in being of the Confederated and United States from November 3, 1788, to April 30, 1789.

The labors and the existence of the old Continental Congress ended on the 4th of March, 1789. The unconstitutional exactions of the British government first called it into being. Its original object was to obtain a redress for the wrongs inflicted on the American colonies and protection against any future abuse of power over them. The means proposed were loyal and honorable, and united petitions and remonstrances to the mother country. That country turned a deaf ear to their petitions and remonstrances, and through Parliament, claimed the right to bind the colonists, without representation, in all cases whatever. She frowned on the colonies for uniting in petitions for relief against the measures that oppressed them all alike. She attempted to enforce unconditional submission by military power, and thus drove the colonies into open armed resistance. As they had united in a Congress to petition for their rights, so in a Congress they prepared to defend them. With nothing but the outside pressure of a common danger to unite them, they met in Congress until 1781, raising armies, providing naval armament, making treaties, raising moneys, imposing taxes. The Articles of Confederation then in 1781, assented to make Congress the head of the Confederacy of the states newly erected from the colonies, but conferred on it little power that could be exercised except through the state sovereignties. The articles of confederation were adapted to the times in

which they were formed and to the circumstances in which they originated. No provision existed in them sufficient for the subsequent state of affairs. As a swaddling-cloth, they were well fitted for the early infancy of the republic, but wholly unsuited for its riper years and advancing manhood. The old Continental Congress under whose fostering care the new republic had been protected and guided and guarded in its infancy and childhood, yielded up authority as soon as it reached its maturity of strength. It counselled the civil revolution that ended its existence. Dear to the American people should be the memory of the patriots who composed this Congress ; never to be forgotten till the Constitution which they inaugurated shall cease to be the fundamental law of a free people.

In this State there seemed a lingering expectation that the old order of things would be again revived, for, at the general election in May 1789, they elected Peleg Arnold, Jonathan J. Hazard, Thomas Holden and John Gardner, delegates to the Congress under the Articles of Confederation, to assemble on the first Monday in November of that year. They were voted for in town meetings holden on the third Wednesday in April, before President Washington had been inducted into office under the new Constitution. But at that time the new Constitution had been adopted by all the states except North Carolina and Rhode Island. A civil revolution had swept over all the states, these two excepted. As revolutions seldom go back, an exuberance of faith must have pervaded this State, if it believed that the services of these delegates would ever be called for. The delegates from Rhode Island were most probably the only persons who were honored with an election to seats in that Congress.

A convention to consider the adoption of the Constitution met in the state of New York, in June, 1788. It was supposed that a very large majority of the convention was opposed to the Constitution, and that they rightly represented the views

of their constituents. The proposition to ratify the Constitution was first moved and rejected. This was followed by another to ratify it on condition that certain amendments should be first made to it. This was subsequently amended so as to make the ratification positive, but in full confidence that certain amendments would be made before the parts proposed to be amended should be carried into effect. This being agreed to on a close vote, the convention began to consider the amendments which were necessary, and thereby circular letters to the different states proposed a new convention of the states to act upon them.

The circular came before the General Assembly of this State at their October session, 1788, and gave rise to the following resolution :—

WHEREAS, his Excellency George Clinton, President of the Convention of New York, hath transmitted to the Legislature of this State, a proposal, that a general convention of the states should take place in order that such necessary amendments may be made in the Constitution proposed for a federal government, as will secure to the people at large their rights and liberties, and to remove the exceptionable parts of the said proposed Constitution ; and whereas, this General Assembly conceive it to be the indispensable duty of the citizens of this State to be connected in the Union with their sister states, if it can be done upon the principles of good government ; and as it is necessary that when any alterations are to be made in government, which may affect the people at large, the same should originate with and be derived from them,

IT IS THEREFORE VOTED AND RESOLVED, That the secretary forthwith cause to be printed a sufficient number of copies of Gov. Clinton's letter, with the amendments proposed by the convention of the state of New York, and transmit one as soon as possible to each town clerk in the State, who is hereby directed, upon receipt thereof, to issue his warrant to call the freemen of the town to convene in town meeting, to take the same into consideration, and thereupon to give their deputies instructions whether they will have deputies appointed to meet in convention with the state of New York, and such other states as shall appoint the same, or such other instructions as they deem conducive to the public good ; that this General Assem-

bly may know their determination at the session to be holden by adjournment on the last Monday in December next.

It is ORDERED, That the secretary also transmit therewith a copy of this act to each town clerk in this State.

At this October session, 1788, the motion for a convention was negatived in the house of representatives by a vote of fourteen in favor and forty against it. This was the third time this motion had been made.

At the December session, it appeared that eight towns had given their representatives instructions in favor of the general convention, as proposed by the convention of New York, five in favor of a State Convention, to ratify and adopt the Constitution, and the remaining towns declined giving any instructions on the subject, "upon the principle of adhering to the Articles of Confederation, and an aversion to amendments." So ended the third measure in relation to the adoption of the Constitution by this State. At the same session the friends of the Constitution, in the house of representatives, for the fourth time, moved for a Convention. Twelve votes were given in favor and thirty-four against the proposition. The motion was repeated at an adjourned session in March, 1789, at this fifth trial it received nineteen votes, while thirty-seven were cast against it. At the May session, 1789, the representatives from Newport and those from Providence, presented instructions from their constituents in favor of a Convention. The following petition and address to the General Assembly, signed by about five hundred of the citizens of Providence, was also laid before the house of representatives :—

WE, THE SUBSCRIBERS, Citizens and Freemen of the State, beg leave to assure your honors that this address is not founded upon sinister or party views, but upon the purest sentiments of regard for the welfare and prosperity of the State at large.

We need not adduce many arguments to prove the advantages of commerce to a people in our situation ; they are obvious. From thence not

only our numerous tradesmen, mechanics and laborers, citizens so useful to a state, derive subsistence for themselves and families, but the cultivators of the land, who would otherwise raise nothing more than they consume, are, by finding a market for their surplus, excited to industry, and add in a much greater degree to the strength and importance of the State. In short, commerce, deriving reciprocal support from agriculture, is the great fountain from which flow our numbers, wealth and respectability. With the deepest concern we have beheld it, of late, declining. Our youth, brought up in habits of industry and knowledge of business, and promising to become most useful members of society, are driven to settle in other states, to look for that business they cannot find here. Many industrious tradesmen and mechanics are compelled to emigrate for want of employment, and many more who once lived in a comfortable manner, are now distressed and only waiting to dispose of their property to remove also. All which we conceive to have been principally occasioned by want of competent power in the Congress of the late United States to preside over, regulate and direct the whole of our trade, both foreign and domestic, upon a wise and uniform system.

Melancholy as this picture is, our future prospects are worse, beyond comparison. The Congress of the eleven United States, have already made great progress in framing a bill laying such heavy imposts upon articles transported from hence to any of them, as those of the growth and manufacture of this State, as foreign merchandise, as will amount to a prohibition. The operation of this statute will necessarily and immediately cause a general stagnation of commerce, as we cannot supply cargoes for foreign markets without articles imported from the other states of the late Union; the consequences whereof will inevitably involve us in a distress truly deplorable. Were it necessary, we might enlarge on the following topics:—That we have not an alliance or treaty of commerce with any nation upon earth—that we are utterly unable to defend ourselves against an enemy—and that we have no rational prospect of protection and defense, but from the United States of America. We see no hope of relief but in joining the United States, under the new Constitution. We are sensible of the many exceptions that have been made to it. But as we have no doubt that such amendments will take place as will obviate all the principal objections, and that it will, under the auspices of the illustrious Washington, be carried into operation, with the general approbation of the United States; and as we cannot possibly exist as an independent State, unless united with them, we are humbly of opinion that wisdom and sound policy requires us to send members as early as possible to the new Congress, as thereby this State will have a voice in proposing and making all necessary

alterations in the Constitution as well as in levying imposts and making the necessary regulations of trade.

We do, therefore, deeply impressed with a sincere regard for the public welfare, and with all the earnestness becoming the importance of the subject, humbly entreat your honors to call a State Convention, agreeably to the resolve of the General Convention, held at Philadelphia, in September, 1787, and the subsequent recommendation of Congress, for the purpose of joining the eleven states, which have already united under the new Constitution.

The presentation of these instructions and this address was followed by a motion to call a Convention. After debate the subject was postponed to the adjourned session, to be held in June. At the June session the motion was rejected by a vote of thirty-two to twenty-two, fifteen being absent, whose presence, it was said, would not have changed the result. This was the sixth time the motion for a Convention was defeated. The change of the relative strength of parties during the struggle, could have afforded but little hopes to the friends of the Constitution.

A special session of the Assembly convened on the 15th of September, 1789, when the following act was passed:—

AN ACT IN RELATION TO A CONVENTION IN THIS STATE.

WHEREAS, the Congress of the United States by a resolve passed on the 28th of September, 1787, recommended to the Legislature of this State to call a Convention within the same for the purpose of adopting the Constitution of a general government, formed by a Convention of twelve of the states assembled in Philadelphia, in the year 1787; and whereas, this Assembly on the most careful examination of the powers vested in them by the freemen of this State, are of opinion that the same are limited to the administration of the existing Constitution of the State, and do not extend to devising or adopting alterations therein; and whereas, notwithstanding this General Assembly, convinced that the freemen of this State retain in their own hands the entire power of adopting or rejecting the said Constitution, at their session held in Providence, in February, 1788, passed an act for authorizing town meetings in this State for the special purpose of giving the freemen an opportunity of adopting or rejecting said Constitution, grievous complaints are still made by some, that said Constitution hath not been adopted by this State, nor a Convention called for that purpose—

BE IT THEREFORE ENACTED BY THIS GENERAL ASSEMBLY AND BY THE AUTHORITY THEREOF IT IS ENACTED, That the freemen of the several towns in this State assemble in town meeting in their respective towns on the 3d Monday in October next, for the purpose of giving instructions to their representatives, respecting the appointment of a State Convention for the purpose of considering and determining on said Constitution, to the intent that this Assembly, at their session in October next, may be fully acquainted with the sentiments of the people at large relative to calling a Convention for the purpose aforesaid.

IT IS ORDERED, That the secretary transmit, as soon as may be, printed copies of this act to the several town clerks in this State, and that the said town clerks issue their warrants for calling town meetings agreeably to this act.

It would require sharp optics to discover the power of the General Assembly to pass the foregoing act, if their powers "are limited to the administration of the existing constitution of the State," as is set forth in the preamble, for no part of "the existing constitution" required the General Assembly to direct the freemen of the State to assemble in town meetings to instruct their representatives, "respecting the appointment of a state convention" for the purposes set forth in the act. It certainly would have required no greater stretch of the constitutional powers of the Assembly for them to advise the freemen to elect delegates to a Convention, than to direct them to instruct their representatives on the subject. The act, in fact, was but another attempt to defeat the adoption of the Constitution without reference to the mode recommended by Congress, for ascertaining the views of the people in relation to it.

At the same session the following letter was prepared and ordered to be sent to the Congress of the United States then in session in New York :

THE GENERAL ASSEMBLY OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS to the President of the Senate and the House of Representatives of the eleven United States of America in Congress assembled :

The critical situation in which the people of this State are placed engages us to make these assurances, in behalf of their attachment and friendship to their sister states, and of their disposition to cultivate mutual harmony and friendly intercourse. They know themselves to be a handful, comparatively viewed, and although they now stand, as it were, alone, they have not separated themselves or departed from the principles of that Confederation, which was formed by the sister states in their struggle for freedom, and in the hour of danger. They seek, by this memorial, to call to your remembrance the hazards which we have run, the hardships we have endured, the treasures we have spent and the blood we have lost together in one common cause, and especially the object we had in view, the preservation of our liberty; wherein, ability considered, they may truly say, they were equal in exertions with the foremost. The effects, whereof, in great embarrassments and other distresses consequent thereon, we have since experienced with severity, which common sufferings and common danger, we hope and trust yet form a bond of union and friendship not easily to be broken. Our not having acceded to or adopted the new system of government formed and adopted by most of our sister states, we doubt not, has given uneasiness to them. That we have not seen our way clear to do it, consistent with our idea of the principles upon which we all embarked together, has also given pain to us. We have not doubted but we might thereby avoid present difficulties, but we have apprehended future mischief. The people of this State from its first settlement, have been accustomed and strongly attached to a democratic form of government. They have viewed in the new Constitution an approach, though perhaps but small, toward that form of government from which we have lately dissolved our connection at so much hazard and expense of life and treasure; they have seen, with pleasure, the administration thereof, from the most important trust downwards, committed to men who have highly merited, and in whom the people of the United States place unbounded confidence; yet, even in this circumstance, in itself so fortunate, they have apprehended danger by way of precedent. Can it be thought strange then, that with these impressions they should want to see the proposed system organized and in operation, to see what further checks and securities would be agreed to and established by way of *amendment*, before they could adopt it as a Constitution of government for themselves and their posterity? These amendments, we believe, have already afforded some relief and satisfaction to the minds of the people of this State, and we earnestly look for the time when they may with clearness and safety, be again united with the sister states under a Constitution and form of government so well poised as neither to need alteration or be liable thereto by a majority only of nine states out of thirteen, a circumstance which may possibly take place against the sense

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of a majority of the people of the United States. We are sensible of the extremes to which democratic governments are sometimes liable, something of which we have lately experienced, but we esteem them temporary and partial evils compared with the loss of liberty and the rights of a free people.

Neither do we apprehend they will be marked with severity by our sister states, when it is considered, that during the late trouble, the whole United States, notwithstanding their joint wisdom and efforts, fell into the like misfortune; that from our extraordinary exertions this State was left in a situation nearly as embarrassing as that during the war; that in the measures which were adopted, government unfortunately, had not that aid and support from the mouied interest, which our sister states of New York and the Carolinas experienced under similar circumstances, and especially when it is considered that upon some abatement of that fermentation in the minds of the people, which is so common in the collision of sentiments and of parties, a disposition appears to provide a remedy for the difficulties we have labored under on that account.

We are induced to hope that we shall not be altogether considered as foreigners having no particular affinity or connection with the United States. But that trade and commerce upon which the prosperity of this State much depends, will be preserved as free and open between this and the United States, as our different situations at present can possibly admit; earnestly desiring and proposing to adopt such commercial regulations on our part as shall not tend to defeat the collection of the revenue of the United States, but rather to act in conformity to, or coöperate therewith, and desiring also, to give the strongest assurances that we shall, during our present situation, use our utmost endeavors to be in preparation from time to time to answer our proportion of such part of the interest or principal of the foreign and domestic debt as the United States shall judge expedient to pay and discharge.

We feel ourselves attached by the strongest ties of friendship, kindred and of interest with our sister states, and we cannot without the greatest reluctance look to any other quarter for those advantages of commercial intercourse which we conceive to be more natural and reciprocal between them and us.

The "critical situation" of the affairs in this State, it would seem from this letter, had made some impression on the General Assembly. Evidently even the opponents of the Constitution looked forward to a time, not far distant, when it would be ratified and adopted by this State. The last clause in this

letter seems like a threat to seek foreign aid. Dr. Dwight, in his travels in New England, vol. 3, p. 50, refers to a proposal made by the French government to have "the island of Rhode Island and harbor ceded to them by Congress." He says, in relation to this proposal, "The arguments adduced by the French to persuade Congress to a compliance with their wishes, were, that a French fleet being kept here, with a considerable body of land forces, would prevent the island from being seized by Great Britain, and preclude the British from a harbor on our coasts; would be ready at all times as an ally to defend us in war, and would furnish a valuable market for our productions in peace." The Doctor gives neither the time nor the place when this proposal was made, "as," he observes, "Congress had it not in their power to alienate any part of the territory of any state," but if it ever were made in sober earnest, can there be a doubt that the French government would have been pleased to accept the whole of the State? And in the high excitement then existing here, would it be strange, if at this time, there should have been some ultra anti-federalists who would suggest the revival of the proposal to the French government, and the feasibility of its acceptance, with a view to other objects?

The General Assembly adjourned its session which commenced on the second Monday in September, to the second Monday in October, notwithstanding a regular session commenced on the last Monday in October. At this adjourned session they passed the following resolution:—

IT IS VOTED AND RESOLVED, That the secretary be directed to cause to be printed one hundred and fifty copies of the amendments to the new Constitution as agreed to by Congress, and which have been communicated by the President of the United States to this Legislature, and that one copy thereof be sent to each town clerk in the State as soon as may be to be laid before the freemen at the town meetings to be holden on Monday next, agreeably to a former vote of this Assembly, for their consideration.

The amendments to the Constitution here referred to were twelve in number. The first ten amendments which follow the Constitution in the revised statutes of this State, were among them. The remaining ones were not ratified by the legislatures of three-fourths of the states. One of them related to the ratio of representation in the house of representatives, and the other to the compensation of senators and representatives.

The instructions given by the towns, or any of them to their representatives, are not now to be found. In the absence of all information on the subject it is probable that no vote on the call for a convention was taken at this session on the second Monday in October. A new election of the members of the house of representatives had taken place as usual, at the August town meetings. These would compose the house of representatives at the regular session of the General Assembly on the last Monday in October. The friends of the Constitution would scarcely have pressed a vote on members just at the close of their term of office, who in the June preceding had shown a decided majority against them. And the majority in the house, it would seem probable, would willingly leave the decision of the question to their successors.

The General Assembly convened for their October session at South Kingstown, on the last Monday of the month. The new house of representatives met the motion for a convention for the seventh time before the Assembly and negatived it by a vote of seventeen to thirty-nine, only four being absent. After transacting the ordinary business of the session, the Assembly adjourned to Providence, there to meet on the second Monday in January, 1790.

At the commencement of the year 1790, the situation of this State had become truly critical. The government of the United States had been organized under the Constitution and

in successful operation, since April 30, 1789. North Carolina, in November, 1789, adopted the Constitution, and there remained only Rhode Island under the old Articles of Confederation. The first session of the first Congress of the United States adjourned on the 29th day of September, 1789. During its session, the towns of Providence, Newport and Bristol, had forwarded to it their petitions that the vessels belonging to this State, might for a limited time at least, be exempted from foreign tonnage and duties. The one from Providence was adopted at a town meeting held on the 27th of August, and contained the following statements, which illustrate the feelings that pervaded this and the other seaport towns : —

During the arduous struggle of our country for the preservation of her rights, liberty and independence, in the late war with Great Britain, this town was particularly noted for its attachment to, and its advances and exertions for, the support of the common cause of the United States. Sensible that our most essential interests depended on our being in the Union, and that the former Confederation was unequal to its exigencies, we made every effort to obtain delegates to be sent from this State to the general Convention, which met at Philadelphia, in 1787. After the proceedings of that Convention were published, this town, pleased with the spirit of liberty, tempered with energy and responsibility, which so strikingly pervades the new Constitution, made the most unremitting exertions for obtaining a Convention of the State, for its adoption. We have not hitherto succeeded, but it is, with great satisfaction, we have it in our power to inform Congress, that from the recent election of the members of our lower house of Assembly, there is a probability that this desirable event will soon take place. We now experience the unhappy consequences of our not belonging to the Union, in being subjected to the same imposts and tonnage, as foreigners, which, considering our intimate connection with the United States, and our dependence upon them for the means of our subsistence, operates in a most grievous manner against the seaport towns of this State, who have been generally supplied as well by land as water, with firewood, corn, flour and other necessary articles from the states now in the Union; and should our trade and communication with them continue to be restricted as at present, our situation will be truly wretched.

We claim an original relation to the American Congress and are fully

sensible that we cannot exist independent of the friendship and good will of our sister states. And as we hope the formal accession of this State to the Constitution is not far distant, and as our separation can by no means be imputed to the seaport towns, the inhabitants whereof are, almost unanimously, zealous advocates for the new Constitution; and as a continuance of the above mentioned restrictions on the inhabitants of this State will accumulate unmerited distress upon that part of the community which has been most firmly attached to the Union, and as we cannot but hope that the benign disposition of Congress towards the agricultural part of the State, manifested in the admission of their produce and manufactures free, will also be extended to the seaport towns.

We therefore most humbly entreat the attention of Congress to our distressed situation, and that they will be pleased to grant for such time as to them shall appear proper, that the vessels belonging to the citizens of this State, may be permitted to entry in the ports of the United States exempt from the payment of foreign tonnage in the same manner as vessels belonging to their own citizens, and that foreign merchandise on importation by the citizens of this State into the United States by land or water, shall be subject only to the same duties and restrictions as by law are required of their own citizens.

Dr. Manning, who had sat in the old Continental Congress with many of the members of the present Congress, and Benjamin Bourne, were appointed to present this petition. Petitions of a similar character, from Newport and Bristol, were forwarded by William Marchant, formerly also a member of Congress. They succeeded in their mission, and the operations of the obnoxious law was suspended until January 15, 1790. When that time expired Rhode Islanders had no reason to expect that her citizens would be treated otherwise than as foreigners. The near approach of the 15th of January, roused the merchants and friends of the Constitution throughout the State to make one more strenuous attempt to induce the Legislature to call a Convention. The Legislature met in Providence on the second Monday in January, by adjournment from October. The members of both branches were the same as at October. The friends of the Constitution remembered that their motion for a Convention had been negatived at the October session, by a vote of

in successful operation, since April 30, 1789. North Carolina, in November, 1789, adopted the Constitution, and then remained only Rhode Island under the old Articles of Confederation. The first session of the first Congress of the United States adjourned on the 29th day of September, 1789. During its session, the towns of Providence, Newport and Bristol, had forwarded to it their petitions that the vessels belonging to this State, might for a limited time at least, be exempted from foreign tonnage and duties. The one from Providence was adopted at a town meeting held on the 27th of August, and contained the following statements, which illustrate the feelings that pervaded this and the other seaport towns : —

During the arduous struggle of our country for the preservation of her rights, liberty and independence, in the late war with Great Britain, this town was particularly noted for its attachment to, and its advances and exertions for, the support of the common cause of the United States. So sensible that our most essential interests depended on our being in the Union, and that the former Confederation was unequal to its exigencies, we made every effort to obtain delegates to be sent from this State to the general Convention, which met at Philadelphia, in 1787. After the proceedings of that Convention were published, this town, pleased with the spirit of liberty tempered with energy and responsibility, which so strikingly pervaded the new Constitution, made the most unremitting exertions for obtaining a convention of the State, for its adoption. We have not hitherto succeeded, but is, with great satisfaction, we have it in our power to inform Congress, from the recent election of the members of our lower house of Assembly, there is a probability that this desirable event will soon take place. We experience the unhappy consequences of our not belonging to the Union, being subjected to the same imposts and tonnage, as foreigners, while considering our intimate connection with the United States, and our dependence upon them for the means of our subsistence, operates in a most gross manner against the seaport towns of this State, who have been grossly supplied as well by land as water, with firewood, corn, flour and necessary articles from the states now in the Union; and should our communication with them continue to be restricted as at present, our situation will be truly wretched.

We claim an original relation to the American Congress and

17 to 39. They were not, however, disheartened by this defeat. They did not despair of success, but nerved themselves for greater exertions to insure it. The session commenced January 11. The first four days were spent in doing the ordinary business of the legislation and in preparing for the motion for a Convention. On Friday morning, Benjamin Bourne, a representative from Providence, moved for the calling of a Convention. A long and interesting debate occupied the greater part of that day. Toward evening the vote was taken and the motion carried, by a vote of 34 to 29. On being sent to the senate for concurrence, it was laid on the table till the next morning.

While the house of representatives was discussing this motion, on Friday, the senate passed a bill, requesting the freemen at town meetings, to be specially called, to instruct their representatives in the General Assembly, whether a Convention should be called, or not. The house of representatives voted, by 14 majority, not to concur. On the evening of Saturday, the senate came to a vote on the bill from the house, to call a Convention. The Deputy Governor and four senators voted not to concur, and four senators voted to concur. About ten o'clock the Assembly adjourned to the next morning, Sunday.

The excitement on Sunday morning was intense. It is probable that the Legislature had never before held a session on a Sunday. The crowd at the State house was immense, as described by an eye witness. The meeting houses were, in a measure, deserted. Piety gave place to patriotism.

At the opening of the session Mr. Marchant, of Newport, introduced a bill to call a Convention, varying in some unimportant particulars from the one that had been acted on the day previous. It passed the house by a vote of 32 to 11. While this bill was pending in the house, the Deputy Governor introduced the following bill into the senate : —

WHEREAS, the Constitution recommended by the General Convention, held in Philadelphia, on the 17th of September, 1787, has been adopted by twelve of the United States ; and, whereas, the said twelve states have proceeded to organize a Federal Government, conformable to the principles thereof, and have put the same into actual operation ; and, whereas, from the operations thereof, the citizens of this State will suffer great and manifold inconveniences and discouragements in their trade and commerce, and otherwise, while they are considered and treated as foreigners, wholly disconnected from all the said states, by reason whereof it has become the intent and the policy of this State to take the most prudent measures for acceding to the union of the said twelve states, formed and organized as aforesaid ; and this General Assembly are sensible that the accession of the State of North Carolina to the said Union, and the grievous operation of the Federal Government on the interests of many of the citizens of this State since the last measure taken by this General Assembly on the subject, have presented the same to our view and consideration in a very different attitude from that in which it then appeared ; and, whereas, this General Assembly are ever willing and desirous, on all occasions and particularly on the adoption of a permanent government, to consult and be governed by the voice of the people at large, whose agents and servants they are, therefore,

RESOLVED, That the freemen of this State assemble in town meetings in the respective towns, on Tuesday, the 26th day of January, instant, for the purpose of instructing their representatives in General Assembly at their next adjournment, on the subject of appointing a State Convention in which to consider and decide on the propriety of adopting or rejecting the said new Federal Constitution : And that the several town clerks issue their warrants, in the usual form, at least, three days before said 26th day of January, instant.

ORDERED, That the Secretary transmit copies of this act to the several town clerks as soon as may be after the rising of this Assembly.

ORDERED, That a copy of this act be also transmitted, by the Governor, to the President of the United States.

It is the same in substance as the bill that the senate passed the day before, the preamble being now added. In this form it was adopted, and was non-concurred in by the house by a large majority. The senate then took up the bill from the house, calling a Convention. The vote on it was taken about 12 o'clock, at noon. Four senators voted to concur with the

house, and the Deputy Governor and three senators to non-concur. It then rested on the Governor, John Collins, to decide the question. In a neat speech of considerable length, he reviewed the proceedings in relation to the Constitution, the action of the other states, and referring to the peculiar situation of this State, gave his vote to concur ; and so the following bill became a law of the State : —

AN ACT for calling a Convention to take into consideration the Constitution proposed for the United States, on the 17th day of September, A. D. 1787, by the General Convention held at Philadelphia :

BE IT ENACTED BY THE GENERAL ASSEMBLY, and by the authority thereof, it is, hereby, enacted, That the new Constitution, proposed for the United States, passed on the 17th day of September, 1787, by the General Convention, held at Philadelphia, be submitted to the people of this State, represented in a State Convention, for their full and free investigation and decision, agreeably to the resolve of the said Convention ; that it be recommended to the freemen of the several towns, qualified to vote in election of deputies to the General Assembly, to convene in their respective towns, in legal town meetings, on the second Monday in February next, and then to choose the same number of delegates as they are entitled to elect deputies to represent them in the same Convention, and that the said Convention be holden at South Kingstown, on the first Monday in March next.

AND BE IT FURTHER ENACTED, by the authority aforesaid, That the said Convention be, and, hereby is, empowered and fully authorized, finally, to decide on the said Constitution as they shall judge shall be most conducive to the interests of the people of this State, and that the said Convention cause the result of their deliberations and proceedings, relative to the aforesaid Constitution, to be transmitted to the President of the United States as soon after the rising thereof as may be.

The Assembly then passed the following resolutions :—

IT IS VOTED AND RESOLVED, That his Excellency the Governor, be, and he is hereby requested to transmit a copy of this act to the President of the United States, immediately.

WHEREAS, the operations of the Federal Government, according to the existing laws of Congress, will prove greatly injurious to the commercial interests of this State, unless a further suspension of the same can be obtained ; and, **WHEREAS**, this General Assembly, at the present session, have

passed an act recommending a State Convention in conformity to the recommendation of the General Convention, held at Philadelphia, and of the Congress of the United States, and there is every reason to hope that the accession of this State to the Federal Union will, in a short time, entitle the citizens thereof to all the benefits of the Federal Government; and, whereas it is necessary that this application be made, in the mean time, for the suspension of the acts of Congress, subjecting the citizens of this State to foreign tonnage and foreign duties:

IT IS THEREFORE VOTED AND RESOLVED, That his Excellency, the Governor be, and he is hereby, requested to make application, in the name of this State, to the Congress of the United States, for reviving the indulgence granted to the citizens of this State, by an act of Congress of their last session, during the good pleasure of Congress.

Thus ended this eventful session of the Legislature of this State. It commenced amid the darkest hours that ever overspread the land. It was held by men, who had at a previous session, in no doubtful terms, expressed their opinions upon the Constitution of the United States. All the members of the senate and a great majority of the house of representatives, belonged to a political party that had risen to power, in the State, by its devotion to extreme measures. They were banded together to retain that political ascendancy, by adherence to these and kindred measures. Some of their number had, undoubtedly, been convinced of their errors in relation to the Constitution, and preferring the State to their party, now conscientiously supported the Constitution. Others, perhaps, were operated upon by motives which neither do honor to them nor to the individuals who forced them on their notice. But the great good that resulted from their action cannot justify, or even palliate bribery, if used to secure it. That was alleged at the time, by prominent members of the dominant party. The allegation, whether true or false, gave rise to divisions in that party, and ensured final success to the friends of the Constitution. They deserved the success they had achieved in the General Assembly, by their persisting efforts. Seven times before this had they moved for a Constitution, and been defeated.



CHAPTER XIII.

JANUARY 17th TO OCTOBER, 1790.

JOURNAL AND PROCEEDINGS OF THE CONVENTION THAT ADOPTED THE CONSTITUTION.

TOWN MEETINGS for election of Delegates to the Convention, held February 8—Convention met March 1—Character of the Delegates—Instructions from Richmond and Portsmouth—Resolutions of a meeting of free-men, held at East Greenwich—No official record of the State Convention that adopted the Constitution on file—Papers, Documents and Minutes of Proceedings of the Convention, preserved by Daniel Updike—Deposited with the Secretary of State by Wilkins Updike, in 1863—Journal and Minutes, with explanatory remarks—Final adoption of the Constitution, May 29—Letter from the President of the Convention to Congress—Special session of the Legislature, June 7—Election of Senators to Congress—Act passed for the election of Representatives—Address from the General Assembly to the President of the United States—Concluding remarks—Summary of the Legislation of Rhode Island in relation to the adoption of the Constitution.

The act calling the Convention was passed on Sunday, January 17th, 1790. The time appointed for holding town meetings for the election of delegates, was the second Monday in February following, the 8th day of that month. The day of the meeting of the Convention was the first Monday in March; the place of meeting, South Kingstown. The circumstances required prompt action on this subject. The time limited by the Congress of the United States for admitting vessels from this State to enter the ports of the United States, upon the same terms as vessels belonging to those states, ex-

pired on the 15th of January. At the request of the General Assembly it had been extended to the 15th of April. After that day, the intercourse between this State and the United States, was to stand on the same footing as that of a foreign nation. If this State neglected to ratify and adopt the Constitution, before that day, by the terms of the act of Congress, she was to be regarded and treated as an alien and a stranger.

Town meetings were held in all the towns on the day appointed and delegates from each elected. The Convention met on the first day of March, the day designated for that purpose. It consisted of seventy members, all of whom were present. Forty-two of their number had been members of the General Assembly in January, comprising the leading members of both houses of the Assembly. Four of them had held the office of Deputy Governor of the State. Five had been elected delegates from the State to the Continental Congress. It was a Convention of talented men, men of experience in legislative proceedings, men well informed on most subjects, but especially well informed as to the feelings and views of their constituents, who had acknowledged them as their leaders in their party strifes. For years the special subject that they met to consider, had been a subject of public and private discussion in the State and out of it. All the other states had held conventions for the same purpose. More or less of the reasoning and arguments that had swayed them, had through newspapers and other publications been before almost every member. Unfortunately, the State, at the time, was divided into two parties, the dividing line between them being deeply marked. Each member belonged to one or the other of these parties. Party spirit ran too high to tolerate a neutral in office, especially in office as a delegate to act on the very question in which all the party issues had been engrossed. Generally the delegates came to the Convention without any definite instructions from their

constituents to control their acts. Such instructions were not in fact, requisite. The opinions of each delegate and of his constituents on the great question to come before them were as definite and as well known as instructions could make them. Several towns, however, gave instructions, among which were Richmond and Portsmouth, which were as follows:—

FROM RICHMOND.

IN TOWN MEETING, the 18th of February, 1790, the Committee appointed to draft instructions for the delegates to be chosen by this town, made the following report, to wit:

WHEREAS, the General Assembly, at their session, held at Providence, January, 1790, voted and resolved, that a State Convention should be held at South Kingstown, on the first Monday of March next, to take into consideration a general government, as agreed to by a Convention held at Philadelphia, on the 17th day of September, A. D. 1787, and that the town clerks, of the several towns in this State, issue their warrants to convene the freemen in this State, to meet in their respective towns, on the second Monday of February the next following, to choose the same number of delegates, to represent said towns, as they have deputies to represent them in the General Assembly: And whereas the town clerk of this town of Richmond hath issued his warrant for the convening of the freemen of said town, agreeably to the resolve of the aforesaid session of Assembly: And whereas the said town hath met in town meeting and chose a moderator, and there was a nomination of persons to be chosen as delegates to represent said town, it was then moved, that previous to a choice there should be instructions drawn for those that should be chosen, and the vote passed in the affirmative; and we, the subscribers, were chosen for that purpose:

IT IS VOTED AND RESOLVED, That the delegates that represent this town shall use their endeavors, that the said Constitution be not adopted at said Convention, but that the Constitution be duly considered, that every amendment that is necessary, be proposed, if any shall be required; that said Convention adjourn to a future day, so as to see the operation of the Federal Government, that the citizens of this State may be convinced of the propriety or impropriety of adopting said Constitution. All which is submitted, by your most obedient and humble servants.

GEORGE WEBB,
JOSEPH SHELDON,
SAMUEL CLARK,
SIMEON CLARK, Jr.,
J. TEFFT.

VOTED, That the preceding report be received, and that the clerk make out a copy thereof and deliver the same to one of the delegates of this town.

FROM PORTSMOUTH.

At a large town meeting of the freemen of the town of Portsmouth, held at the house of Robert Fish, this 27th day of February, A. D. 1790, legally convened, in consequence of a petition of a number of freemen of said town, directed to the town clerk, requesting a town meeting for the purpose of taking into consideration the new Constitution proposed for the government of the United States, and more especially for giving instructions respecting the same to the delegates appointed to represent this town in the State Convention, to be holden at South Kingstown, on the first Monday of March next, pursuant to an act of the General Assembly, passed in January session last, and for other prudential matters which might occur for the benefit and interest of said town.

The warrant, for calling this town meeting, being read, it was VOTED, That Giles Lawton, Jr., Esq., be chosen moderator.

VOTED, That William Anthony, Jr., be chosen clerk of this meeting, *pro tem.*, the town clerk being absent.

VOTED, That this town do instruct their delegates appointed to represent them in the State Convention.

VOTED, That Messrs. Thomas Potter, Thomas Sherman, John Thurston, Robert Lawton and Joseph Sisson be a committee to draft instructions, and to report the same to this meeting as soon as may be.

The Committee having made their report, the following instructions were received, read and unanimously voted.

The instructions of the Town of Portsmouth : —

To Barrington Anthony, Job Durfee, Giles Slocum and Robert Barker, Esqs., their delegates to the State Convention, to be holden at South Kingstown :

GENTLEMEN.—The General Assembly, at their session in January last, having thought proper to pass an act for calling a State Convention, to be holden at South Kingstown, on the first Monday in March next, in order to submit to the people of this State, represented there, the new Constitution proposed for the United States, passed on the 17th day of September, A. D. 1787, by the General Convention, held in Philadelphia, for their full and free investigation and decision thereon, “agreeable to the resolve of the said General Convention.”

In consequence and by authority of the aforesaid act of the General

Assembly, the freemen of Portsmouth, convened in legal town meeting at the house of Robert Fisk, did choose you their delegates to the said State Convention, and the present town meeting being convened for the purpose of more fully obtaining the sentiments of the town on this very interesting and important business, although fully confiding in your integrity and abilities, but foreseeing that an error in judgment, at this very critical time, may be of the utmost detriment to the peace and prosperity of this State, should the proposed Constitution, thereby, there submitted to your decision, be rejected, an error, perhaps, never to be retrieved, and the consequences ensuing thereon, essentially injurious to the dearest interests of the citizens of this and the other towns in the State of Rhode Island.

Under the pressure of these weighty considerations, and with the most ardent desire to avert the evils which a rejection of this Constitution and thereby our union with the general government would entail on us and on our posterity, we have thought it necessary, and do hereby give you these our instructions, as well for our own satisfaction and to clear our consciences to the world, as in some measure to remove part of the great anxiety which must necessarily lay on your minds while those important and momentous questions are in agitation, whether to adopt or reject.

From our own feelings, experience of the disadvantages and injuries attendant on a separation from the common natural union, which our languishing commerce, decayed trade and laid up vessels, too plainly show, we are the more induced to proceed thus, as being the only means in our power in order to find a remedy for these growing evils, and to form a junction with our sister states, so as to partake with them the benefits which their extensive commerce and flourishing state evince to be the consequence of a well-founded union, under one fixed and permanent government. And we are the more strengthened in this opinion, when we see, it is also the sense of the Legislature, who have acknowledged that we suffer an injury by our separation, and that this injury cannot be removed, but through an application to Congress, and by their indulgence to us, as fully appears in the preamble to the act passed at the same session for requesting that indulgence from Congress, by granting a temporary relief during their good pleasure, which preamble is thus expressed:—"Whereas, the operation of the Federal government, according to the existing laws of Congress, will prove greatly injurious to the commercial interests of this State, unless a further suspension can be obtained."

This to us, is a sorrowful but true confession of our real situation at present, and the Legislature being thus sensible of the injurious tendency of this State's being alone, by itself, do candidly confess their sense of it, and like honest men, willing to provide the most proper remedy that would re-

move them, well knowing, the only effectual means to prevent such injuries and disadvantages in future, was the calling of a State Convention, in order that the proposed Constitution might be constitutionally adopted, that thereby this State might once more be admitted into the general union and enabled to share all the benefits and advantages of the peace, along with that safety and prosperity, which a general government alone can give to this and to the United States. And that this was the idea of the General Assembly in calling the Convention is very evident from the subsequent declaration in the said recited act. The words are these:—"There is every reason to hope, that the accession of this State to the Federal Union will, in a short time, entitle the citizens thereof to all the benefits of the Federal government."

Similar motions and the same necessity which induced the General Assembly to enact the above, now influence us at this time, and the principles on which that hope there expressed, was grounded, actuate us to wish and endeavor for its accomplishment.

Such being the sense of the freemen at this town meeting, and in consequence thereof, after mature deliberation, they have thought proper to instruct you.

Therefore, you are hereby required and directed to proceed as speedily as may be to the said State Convention to be held at South Kingstown aforesaid, there and then to use all your influence and ability in order to accomplish the adoption of the said Constitution, and that, in as short a time as the nature of the business will admit, so that the town you represent, and the State at large, may no longer suffer the injuries mentioned by the Legislature and which we too sensibly feel the truth of, witness the drooping state of our seaports and the depreciating value of our lands. These too evidently speak and loudly call for redress.

In case an adjournment is proposed, which it is our desire to prevent, but yet as occasions may require which cannot be foreseen and for which no previous instructions can be framed. Should any thing turn up during the sitting of the Convention which may make a short adjournment necessary, if the same appears so to you, we then authorize you to accede to the same, provided said adjournment is not for a longer term than till the first day of April next, the time when the indulgence granted by Congress ceases. If one for a longer time is proposed, it is your instructions, and we require that you do not agree to the same, but endeavor to effect and accomplish the business you are sent upon as speedily as may be and without any adjournment at all.

If, after coolly deliberating upon said Constitution, you shall think it may want any amendments, further checks or additional powers than is therein ex-

pressed, granted, or admitted, that then, for us, in our name and on our behalf, you are hereby ordered and authorized to endeavor to have the same drawn up and annexed to your ratification, in the same manner as has been done by the state of Massachusetts, and as pointed out and enjoined by the recommendation of Congress.

GILES LAWTON, JR., MODERATOR.

WHEREAS, it appears that the delegates appointed to represent this town in the State Convention, having been informed that it was the determination of the freemen of this town to declare their sentiments respecting the adoption or rejection of the new system of government proposed for them to live under, and also of their intentions to instruct their said delegates on the subject, yet have withdrawn themselves,

WHEREUPON IT WAS VOTED, That two fair copies of our instructions be made out and certified by the town clerk, one of which, together with the other proceedings of this town meeting, is ordered to be sent by some careful man and delivered to one of our delegates, and the other delivered to the President of the State Convention, together with this vote, and with a request from this town meeting, that the said instructions, &c., may be read in the State Convention, in order that the sentiments of this town may be fully understood with respect to the adoption or rejection of the new Constitution.

AND IT IS FURTHER VOTED, That Samuel Elam be, and he is, hereby appointed to deliver our said instructions, &c., to the delegates and President of the Convention as aforesaid.

GILES LAWTON, JR., MODERATOR.

No trace of the origin, object, or members of the Convention named in the following proceedings can be found. It may be surmised that it was not composed of friends to the Constitution. It makes a part of the history of the times, and was intended to influence the State Convention :

“ At a Convention of a number of freemen of the several counties of Providence, Kent and Washington, held at East Greenwich, on the 2d day of February, A.D. 1790 :

WHEREAS, the present alarming crisis of our political affairs, calls loudly for the immediate attention and exertion of the freemen of this State :

IT IS VOTED AND RESOLVED, That it be, and it is, hereby recommended to the freemen of each town in this State, that at their meetings to be held in

their respective towns on Monday next, for choosing delegates to represent them in the general State Convention for the purpose of taking the merits of the new Constitution into consideration, they choose such men as from their known and tried firmness, and integrity and attachment to the liberty and indefeasible rights of this people, wherein the God of nature hath blessed and made them free, as will be cautious and careful of bartering them to the politics of any people or nation on earth; but that they may individually then and there consult, in the most scrupulous manner, for the general good of this State, which we, the members of this Convention are unanimously determined without remission or relaxation in the mean time to pursue.

Signed per order and in behalf of the Convention,

JOHN MAWNEY, SECRETARY.

Until quite recently it was not generally known that there existed any record of the proceedings of this Convention. There was nothing in the office of the Secretary of State showing that such a Convention had ever been held. There did not exist in that office any direct proof that this State had ever adopted the Constitution, although the fact was a necessary inference, from the proceedings of the Assembly there recorded.

During the year 1863, the Hon. Wilkins Updike, of South Kingstown, deposited with the Secretary of State, some papers and documents, and minutes of the proceedings of that Convention, which had been preserved by his brother, the Hon. Daniel Updike, who was its Secretary. We propose to embody all these that can be deciphered, appending to them such other information, on the subjects alluded to, as could be gathered from other sources. The Journal of Proceedings commences as follows:—

At a Convention of Delegates, begun and holden at South Kingstown, in the county of Washington, on the first Monday in March, 1790, pursuant to an act of the General Assembly, passed at their session in January, 1790, for the purpose of investigating and deciding on the new Constitution, proposed for the United States:

PRESENT.

NEWPORT.

George Hazard, Esq.
Henry Marchant, Esq.
George Champlin, Esq.
Peleg Clarke, Esq.
Mr. William Tripp,
George Sears, Esq.

PROVIDENCE.

Jabez Bowen, Esq.
Benjamin Bourn, Esq.
Col. William Barton,
John I. Clark, Esq.

PORTSMOUTH.

Mr. Burrington Anthony,
Mr. Job Durfee,
Mr. Giles Slocum,
Mr. Peter Barker.

WARWICK.

Thomas Rice, Esq.
Mr. Gideon Arnold,
Mr. Benjamin Arnold, Jr.
Mr. Christopher Greene, Jr.

WESTERLY.

Mr. Walter White,
Mr. George Stillman.

NORTH KINGSTOWN.

William Congdon, Esq.
Bowen Card, Esq.

SOUTH KINGSTOWN.

Samuel J. Potter, Esq.
Jonathan J. Hazard, Esq.

EAST GREENWICH.

Mr. Pardon Mawney,
Job Comstock, Esq.

JAMESTOWN.

Capt. Benjamin Remington,
Mr. Nicholas Carr.

NEW SHOREHAM.

Capt. Edward Hull,
Col. Ray Sands.

SMITHFIELD.

John Sayles, Esq.
Andrew Waterman, Esq.

SCITUATE.

Capt. James Aldrich,
Mr. Nathan Bates.

GLOCESTER.

Hon. Daniel Owen,
Stephen Steere, Esq.

CHARLESTOWN.

Thomas Hoxsie, Esq.
Joseph Stanton, Jr., Esq.

WEST GREENWICH.

Mr. William Matteson,
William Nichols, Esq.

COVENTRY.

Benjamin Arnold, Esq.
Lieut. Job Greene.

EXETER.

Mr. Joseph Reynolds,
Capt. Job Willcox.

MIDDLETOWN.

John Barker, Esq.
Mr. William Peckham, Jr.

BRISTOL.

William Bradford, Esq.
Shearjashub Bourn, Esq.

TIVERTON.

Mr. Israel Manchester,
Mr. Abraham Barker.

LITTLE COMPTON..

Capt. William Ladd,
Capt. John Davis.

WARREN.

Nathan Miller, Esq.
Mr. Samuel Pearce.

CUMBERLAND.

John S. Dexter, Esq.
Levi Ballou, Esq.

RICHMOND.

James Sheldon, Esq.

Mr. Thomas James.

CRANSTON.

Peter Stone, Esq.

Jonathan Sprague, Jr., Esq.

HOPKINTON.

Mr. John Brown,

Col. Jesse Maxson.

FOSTER.

Capt. William Howard,

JOHNSTON.

Noah Mathewson, Esq.

Mr. William B. King.

NORTH PROVIDENCE.

Elisha Brown, Esq.

Mr. Ezek Esten.

BARRINGTON.

Col. Thomas Allen,

Samuel Allen, Esq.

John Williams, Esq.

The Hon. Daniel Owen, Esq., was elected President, and D. Updike, Secretary.

Vote of this House appointing Mr. Henry Marchant, Mr. Andrew Waterman, Mr. Jonathan J. Hazard, Mr. Job Comstock and Mr. Samuel Allen, a committee to prepare and report Rules and Orders for the government of this Convention.

Voted to adjourn till to-morrow morning, at 9 o'clock.

Tuesday morning at 9 o'clock, House met. Present as yesterday.

Mr. Marchant, chairman of the committee appointed to prepare Rules and Orders for this Convention, reported as follows, viz. :—

Rules and Orders of the Convention of the State of Rhode Island and held at South Kingstown, in the county of Washington, on the first Monday of March, A. D. 1790, agreeable to an act of the General Assembly, at their session in January last, for taking into consideration the Constitution of the United States of America and deciding thereon ;

1. Every member shall give his attendance at the times at which said Convention shall be adjourned, and shall not absent himself without leave of the President.

2. Any member when called shall answer in his place.

3. A member desiring to speak, shall arise in his place and first address himself to the President for leave to speak.

4. No member shall interrupt another member while speaking, unless it be to call the member to order ; in which case, the question of order shall be first determined by the President, or by the House, if insisted on by two members.

5. No member shall speak more than twice in a debate previous to any other member who shall be desirous to speak, and who has not before spoken twice.

6. When a question shall have been properly moved and seconded upon

the close of a debate thereon, such question shall be put by the President in such words as shall properly convey the meaning of the motion ; the above, however, not to include the previous question.

The above rules and orders were reported by the chairman of the committee, and upon their being read in Convention, the following addition was made to the sixth article, upon the motion of Mr. Comstock, viz. :

Especially, if any motion be made during the arguments for the amendment of the Constitution, or for an adjournment of this Convention, the same shall be determined before the grand question for the adoption or rejection of the Constitution shall take place in this Convention.

Voted, ordering the Rules and Orders, as agreed by the house, with the amendment, to be engrossed.

Voted, appointing Mr. Nathan Bates and Col. William Barton, monitors.*

Voted, this House adjourn to 3 o'clock P. M.

Three o'clock P. M. the House met according to adjournment.

The Constitution of the United States and the resolution of Congress, and those of the Legislature of this State, respecting the same, being read, the Convention proceeded to consider generally, the proposed Federal Constitution.

The House adjourn to 9 o'clock to-morrow morning.

The House met March 8d, according to adjournment. Present as yesterday.

Col. Sayles motioned for a committee to frame a bill of rights and amendments, and adjourn to a future day. To lie on the table.

(On a loose paper returned with these minutes, was the following, supposed to be the motion of Col. Sayles, here referred to :—Moved by John Sayles that a committee be appointed to form a bill of rights and prepare amendments to the proposed Constitution, formed by the Convention at Philadelphia, on the 17th day of September, 1787, for the government of the United States, and report to the Convention, and that this Convention do adjourn to a future day.

JOHN SAYLES.

Seconded by Andrew Waterman.)

*The office of Monitor, in legislative assemblies, has fallen into disuse. In the early proceedings of our General Assembly it was an office held by prominent members, and their duty was to see order preserved, and that the attention of members was not distracted from the business before them. They reported to the Speaker or President the names of all members seen reading papers, conversing with one another, or inattentive to the business before the meeting. The office is now banished to schools of lower grade. Other schools and assemblies have outgrown the need of it.

The Convention proceeded to consider, by paragraphs, the proposed Federal Constitution.

House adjourns to 3 o'clock P. M.

(There came also, with the foregoing Minutes to the Secretary's office, a small paper book, in the hand writing of Mr. Daniel Updike, headed "Minutes," which appears to contain minutes of the arguments used by the members in this discussion. The hand-writing was never very plain, and time has rendered it less so; and besides that, there are many abbreviations of sentences as well as words. Probably, the author of them, before the Minutes were cold, could have made from them and his recollection combined, something like a fair report of the arguments. The circumstances afore alluded to will hinder all men from doing so now. As much as can be satisfactorily deciphered will be given.)

March 3d, the Constitution being read by paragraphs, the member from South Kingstown objected to section 2, article 1. Argued by Mr. Champ-
lin, Mr. Bowen and Bourn and Mr. Marchant.

General Miller said, no part objectionable, and that no subterfuge for the people of this State, but adoption of Constitution.

Mr. George Hazard. I shall be confined to the section 1. I draw my conclusions not for myself, but for my countrymen, that is, the landholders, of whom I am one, and unless time be allowed. The adoption of five per cent. would have extricated us from this difficulty.

Mr. Congdon. Present mode of taxing by numbers unequal as between towns. Jamestown and West Greenwich, great inequality of taxed by numbers.

General Miller reverses the argument and says, we are advantaged by the mode accordingly.

Mr. Bowen says, they have not pointed out the disadvantages of taxing by numbers. Arguments respecting the Convention of 1787, and that this mode not objected to there. Why have not other states made objections? And that the northern states advantaged, and that it operates injuriously to the southern states and much in favor of the northern states. Willing to propose the amendment.

Mr. E. Brown moves to put the question after that paragraph, or not. Mentioned the proceedings of the late estimate.

Mr. Champlin. The gentleman's arguments are directly against him, and suggests that the estimate referred to was erroneous, and that all the towns were there overtaxed.

The second section being objected to, and argued largely on both sides, agreed to lie; and proceed to the third, which was not objected to. The fourth being read, was thought objectionable by Mr. Sayles.

Mr. Marchant opposes amendment.

Mr. Jonathan Hazard. Here Congress has a right to alter the place of choosing representatives, but not of choosing senators.

Mr. Bourn. That is the most estimable part of the Constitution, and has been considered as such in other states, and that Congress will not attempt to alter, unless in time of invasion.

House then proceeds to the fifth article, which was excepted to Mr. Sheldon, as to the time of publishing their journals, the time not being limited, desires the time might be fixed in the amendments.

Sixth section being then read, Mr. Jonathan Hazard proposed that there should be persons chosen from each state to assess the sums due as compensation—due members for services.

Seventh section being read, General Stanton objected to the same, as vesting too much power in the President, the best of men.

Mr. Marchant said that it was the wisdom of legislation to vest the powers of government in equal branches, as British Constitution, which is subject to corruption. This provides against it; and went into the nature of the British government, and then states the propriety of the article as beautiful and beneficial, &c., as well as counterpoised.

Mr. Bourne. That the President is one of the people and amenable to them; and this clause similar to the Constitution of Massachusetts.

Dr. Bradford. That it is the greatest check on the disagreement of northern and southern members.

General Stanton. That he might be curtailed of this great power. Cannot see much beauty in this clause, and that some have been accustomed to royal governments and hanker after it.

Mr. Marchant. That a person chosen by all the states, a happy check upon all, &c., an excellency in the Constitution, and not to be blotted out.

House adjourns to 3 o'clock, P. M.

Three o'clock, P. M., House met, according to adjournment, and proceeded to the consideration of the Constitution, as in the forenoon.

Section 8th being read and not objected to.

Section 9th was read and objected to, by General Stanton, that all mankind are alike free, &c.

Mr. Bourn, was sure the paragraph was a valuable acquisition to the Constitution, &c.

Mr. Comstock. If so they be admitted to import slaves for twenty years, there will be never an end of it. Former Congress said, they never would import slaves. The importing of slaves, wicked and iniquitous. We have lost sight of virtue, &c. No man has the front to oppose the amendment.

Mr. Jonathan Hazard. Wished for amendments beneficial to this State. The southern states, answerable for their conduct. Southern states can regulate their affairs, and we are not interested on the one hand or benefited on the other, therefore, wish to let this section rest. Each State can, in that particular, enact for themselves, and best not to move for amendments that do not particularly concern us.

Mr. Comstock. We must give up a part of our natural rights. Why should not the southern states do the same? It becomes us to guard against wicked practices. Best for us to offer our sentiments to Congress, for it is certainly an iniquitous practice, and the new Constitution in this, very remiss, a national reproach, &c. And the amendment ought to be made.

Mr. Champlin. Convention had in view the abolition of slavery, but it could not be supposed the property in the southern states, consisting in slaves, could be given up. Congress can, however, take it away in future time, and can continue it longer or abolish it. The gentlemen at the southward have their views as well as we. The Constitution does not prevent importing of slaves here, but we have done it ourselves, and are justified in stopping here, and best to pass the section over.

Col. Barton. We say, Sir, we are all embarked on board one ship,—the ship of liberty. I contend, Sir, that the right of every person (apt to make use of words very improper) be to call the attention of the house to resolution of Congress, then contending with a powerful enemy, and would let no vessel go on such business. Sorry to countenance a trade to enslave our fellow creatures. Can a single person here justify this trade, &c. Doing to all men as we wish to be done to, the grand question. Says, if we unite on board this Constitution, ship of liberty, as I love the cause of my country, with this Constitution to show their disapproval of that trade.

Mr. Jonathan Hazard. We shall have the same right to abolish slavery after the adoption of the Constitution as we have now, and cannot stab the southern states as by this amendment. Strip the southern states of their slaves and we disable them to pay their quotas. We are clear of it. Let southern states act for themselves. We shall have need of assistance, to have our amendments acceded to. Would not move for amendments that cannot be. There is a set of men who contend for the same amendments, as I do. We are going to unslave the blacks and enslave the whites. Have been deceived by those gentlemen of the abolition society. Leave the southern states to act for themselves. Must say, I consider every order of men of the same family. Injure one, you hurt all. Attend to that only by which we can be benefited.

George Hazard. That set of men who made the Constitution, drew

many things into consideration. We have held up our sentiments respecting that trade. Has there ever been, since that time, a slave imported into our State. That body acted on general principles. * * * * They have taken a long time and we may take our own time. Congress said they will satisfy the persons of the abolition society, by saying they would act on it at a future time.

General Stanton. Reads preamble—Why should not we extend liberty to the African. There shall not be any alteration made till 1808.

General Miller. I have the Word of God in my house, and it contains nothing against slavery. They are God's creation, so are the French. But let us take care of ourselves. If I *must* believe the gentlemen on the other side, I must look like him next. Is the matter any injurious to this State. We had better let the matter alone.

Mr. Marchant. The gentleman has found out that this article has expressly proved, that that article shall not affect the past, and for the article, &c. Impossible to comply with the gentlemen, unless we destroy the Constitution, &c. Let me say, that I could wish I could see as much generosity here, as was shown in other states, where they have agreed to give one half of their property to the air, we could not compel them to give up one slave. But they have made liberal concessions in those states to the southward.

Mr. Comstock. I wish not to say much to the amendments, as committee must take up the matter fully. The fifth article liable to amendment. I thought every part of the Constitution liable to amendment. It will rebound to the shame and disgrace of the committee if they do not amend it, &c. Hope the committee will not pass it over. I hope the state of Virginia will deem it best to give up part of their privileges, if we do a part of ours. Have not we some share of character, as well as Virginia? I have an opinion of my own and just drop these hints, and hope the committee will amend.

Elisha Brown. The southern states have made no laws against importing slaves, which frustrates all our laws. Wish the committee to take up the matter and stop it for the future, but not to destroy the slaves now there.

Col. Barton. I have not heard any argument about the right or wrong of it. I wish the matter might be heard in a serious manner, &c. I think General Miller quotes scripture. I have read scripture as well as he. The scriptures do not justify slavery. A jubilee year, when every slave was to be set free; and his ears nailed to the post of the door. That gentleman is as cunning as a fox; if my crafty friend would read the New Testament where we are taught to do as you would be done by. I will not trouble the house.

The committee will take up this matter, and we shall wash our garments clean.

General Miller. I am sorry the gentleman will not read Leviticus, where if I buy a slave of the heathen, I have a right to keep him.

George Hazard. Whenever any section is introduced, we should offer our arguments with decency; thinks he has been in order, &c. Should their real estates be stripped of their slaves at the southward, it would break up that happiness that would arise from our Union. I have an open heart and free will to believe others act on good principles as I do. Most good done while we act with propriety.

Dr. Bradford. Congress have said they will not alter the laws respecting slavery until the year 1808.

Jonathan Hazard. Have no interest in the matter, * * * * * this State, those that follow will arrange it; but we wish for amendments, therefore, I would not wish to ask for amendments which will make enemies to our own proposals. All the states southward of Pennsylvania will oppose our motions and other requests.

Col. Barton objects to capitation or poll tax. Many people in Newport, who have not any lands, will pay a grievous tax on common people. Would have it recommended that Congress shall not have the power of laying poll tax, and that committee take it up accordingly.

General Stanton agrees to the motion.

Mr. Marchant. I do not understand what the gentleman means. No poll tax is mentioned in said section.

Jonathan Hazard. This is the apportionment of taxes in several states. This is my conception of it.

General Stanton. Congress are not obliged to lay poll tax, but they can do it.

General Miller. This clause puts it out of the power of Congress to take any advantage of the people.

Mr. Marchant. Whenever there is a direct tax, we only apportion our part of it. That the State shall not lay any assessment but as has been before mentioned in article on taxation. Congress not going to assess any tax; that is left with the several states.

General Miller. Congress is not going to make a capitation tax at any time.

Col. Barton. If I am mistaken I am happy; but I understand that they may lay any one of the taxes on the people, and I would guard against it.

General Stanton. This is one of the obscure parts of this Constitution — If direct tax is laid, shall be according to census aforesaid, and capitation also.

Mr. Bourn. The clause mentioned, is a restrictive clause; but in the general clause respecting laying taxes, &c., there stated, &c. &c.

Mr. Marchant. I am averse to such a tax, if meant.

House adjourns to to-morrow morning, at 9 o'clock.

Thursday, March 4th. The House met according to adjournment.

Mr. Steere moved for a committee to make amendments to Constitution, and that it would expedite the affair, — — seconded.

Mr. Bourn. It would not expedite the business.

Elisha Brown. Willing to postpone the appointment till noon.

Mr. Hazard. It will take up time to enter upon the appointment of committee now, I move to read and proceed upon the next article.

Mr. Congdon. If we put through the bill this forenoon, I agree, it will be forwarding the business.

The Constitution being then read as far as the 5th article, without objection.

Col. Barton. This 5th article ought to be wrote in letters of gold—the corner stone of the grand fabric—here are opportunities for pointed amendments.

General Miller called him to order.

Col. Barton. I am in order, and appeal to the President.

President. You are in order—am willing to hear.

Col. Barton. I want to hear on the bright side of the question.

Jouathan Hazard. I should have slept away the opportunity, if he had not mentioned it. We are few and poor, and weigh light in the balance. The old Constitution not to be altered without our consent. This Constitution in favor of opulent states.

General Stanton. We cannot expect a constitution without amendment.

Mr. Bourn. The last clause in the article, a great benefit to this State. We have there an equal voice in choosing the officers of the Union. Can the gentlemen possibly object to this, a great security to this State. The facility by which amendments can be obtained by this article, an excellence in the Constitution, and in those amendments we have an equal voice with the greatest states. Thinks it a beauty in the Constitution.

The Constitution being read through, the amendments were read from Congress. Article 2d objected to, by Mr. Sheldon. Congress has no right to alter religious establishment, nor even our own State.

Bourn. Perfectly safe, no danger of our establishing any mode of religion. We have ever refused the accepting of a chaplain. If an establishment might take place in other states, an advantage to us.

Here ends what is preserved of the original minutes, made

at the meeting at South Kingstown. The journal of the Secretary reads as follows:—

Thursday, March 4th, the House met according to adjournment. The Convention then proceeded to the further consideration of the said proposed Constitution, section by section, and having gone through the same, and the amendments of the several states being read,

On motion of Dr. William Bradford, that a committee be appointed to draft amendments to be proposed to the new Federal Constitution.

Voted for the county of Newport, Col. Ray Sands and Mr. Joshua Barker; Providence County, Stephen Steere, Esq. and John Sayles, Esq.; for the county of Washington, Jonathan J. Hazard, Esq. and James Sheldon, Esq.; Bristol, Mr. Thomas Allen and Mr. Samuel Pearce; Kent, Mr. Pardon Mawney and Mr. Gideon Arnold, and that they be assisted by the secretary, and that they proceed accordingly.

Friday, March 5, 1790, 3 o'clock, P. M.

The House met according to adjournment. Present, the President and all the members, heretofore present.

The report of the Committee being read, which consisted of "A Bill of Rights," and a number of "Articles in Amendment to the proposed Constitution." The said amendments were taken up and debated by the House, paragraph by paragraph.

House then adjourned to to-morrow morning, at 9 o'clock, A. M.

The following, copied from a paper returned to the Secretary of State, by Mr. Updike, is probably the report of the Bill of Rights referred to. It has neither signatures nor date. The hand writing is not recognized, the words in brackets are in a hand writing different from that of the body of the paper. There are no minutes of the debate that followed the report of this committee:—

We, the subscribers, being the committee appointed to report the amendments necessary to the proposed Constitution of the United States of America, do report:

That, previous to the adoption of the Federal Constitution, there be a Declaration, or Bill of Rights, asserting and securing from encroachments the essential and inalienable rights of the people of this State.

1. That there are certain and natural rights, of which men, when they form a social compact, cannot deprive or divest their posterity; among

which, are, the enjoyment of life and liberty, with the means of acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

2. That all power is naturally vested in and consequently derived from the people; that magistrates, therefore, are their trustees and agents, and at all times amenable to them.

3. That the powers of government may be reassumed by the people, whensoever it shall become necessary to their happiness; [that the rights of the states respectively to appoint the state officers, and] every [other] power, jurisdiction and right, which is not, by the said Constitution, clearly delegated to the Congress of the United States, or to the departments of government thereof, remain to the people of the several states, or their respective state governments to whom they may have granted the same; and that those clauses in the said Constitution that declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said Constitution; but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution.

4. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore, all men have an equal, natural and inalienable right to the free exercise of religion, according to the dictates of conscience; and that no particular religious sect or society ought to be favored or established by law, in preference to others.

5. That the legislative, executive and judiciary powers of government, should be separate and distinct; and that the members of the two first may be restrained from oppression by feeling and participating the public burdens; they should, at fixed periods, be reduced to a private station, return into the mass of the people, and the vacancies be supplied by certain and regular elections, in which all, or any part of the former members to be eligible or ineligible, as the rules of the constitution of government and the laws shall direct.

6. That elections of representatives in the Legislature, ought to be free and frequent, and all men having sufficient evidence of permanent, common interest with and attachment to the community, ought to have the right of suffrage; and no aid, charge, tax, or fee, can be set, rated, or levied upon the people without their own consent, or that of their representatives so elected, nor can they be bound by any law, to which they have not in like manner assented for the public good.

7. That all power of suspending laws or the execution of laws, by any authority without the consent of the representatives of the people in the legislature, is injurious to their rights and ought not to be exercised.

8. That in all criminal and capital prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence and be allowed counsel in his favor, and to a fair and speedy trial, by an impartial jury of his vicinage, without whose unanimous consent he cannot be foundg uilty, except in the government of the land and naval forces, nor can he be compelled to give evidence against himself.

9. That no freeman ought to be taken, imprisoned, or disseized of his freehold liberties, privileges, or franchises, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the trial by jury, or by the laws of the land.

10. That every freeman restrained of his liberty is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same if unlawful; and that such remedy ought not to be denied or delayed.

11. That in controversies respecting property, and in all suits between man and man, the ancient trial by jury [as hath been exercised by us and our ancestors from the time whereof the memory of man is not to the contrary,] is one of the greatest securities to the rights of the people and ought to remain sacred and inviolate.

12. That every freeman ought to obtain right and justice freely and without sale; completely, and without denial; promptly, and without delay; and that all establishments and regulations contravening these rights are oppressive and unjust.

13. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

14. That every person has a right to be secure from all unreasonable searches and seizures, of his person, his papers, or his property; and therefore, that all warrants to search suspected places, or seize any person, his papers, or his property without information upon oath or affirmation, of sufficient cause, are grievous and oppressive; and that all general warrants or such, in which the place or person suspected is not particularly designated, are dangerous and ought not to be granted.

15. That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives; and that every person has a right to petition or appeal to the Legislature for redress of grievances.

16. That the people have a right to the freedom of speech, and of writing and publishing their sentiments; that freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.

17. That the people have a right to keep and bear arms; that a well-regulated militia, including the body of the people capable of bearing arms,

is the proper, natural and self-defence of the State ; that the militia shall not be subject to martial law, except in time of war, rebellion, or insurrection ; that standing armies in time of peace, are dangerous to liberty, and ought not to be kept up, except in cases of necessity, and that at all times, the militia should be under strict subordination to the civil powers ; that in time of peace no soldier ought to be quartered in any house without the consent of the owner, and in time of war, only by the civil magistrate, in such manner as the law directs.

18. That any person religiously scrupulous of bearing arms, ought to be exempted upon the payment of an equivalent, to employ others to bear arms in his stead.

Another paper was also returned, in a hand writing differing from the foregoing, in the following form ; like that, it has no signature, or date.

AMENDMENTS TO BE PROPOSED TO THE FEDERAL CONSTITUTION.

Article First. The United States shall guarantee to each state, its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this Constitution expressly delegated to the United States.

Second. There shall be one representative for every thirty thousand free inhabitants, including those bound to service for a term of years, and excluding all slaves and Indians, until the whole number of representatives amount to two hundred, after which, that number shall be continued or increased as Congress shall direct, but shall not be diminished.

This second article was erased and obliterated, and the "articles" subsequent are numbered as though this had not been inserted,

Second. That Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for senators and representatives, or either of them, except when the legislature of any state, shall neglect, refuse, or be disabled by invasion or rebellion, to prescribe the same ; or in case when the provision made by the states is so imperfect, as that no consequent election is had, and then, only in that the legislature of such state shall make provision in the premises.

Third. It is declared by the Convention, that the judicial power of the United States, in cases in which a state may be a party, does not extend to criminal prosecutions, or to authorize any suit by any person against a

state, but to remove all doubts or controversies respecting the same, that be expressly expressed as a part of the Constitution of the United States that Congress shall not directly or indirectly, either by themselves through the judiciary, interfere with any one of the states in the redemption of paper money already emitted and now in circulation ; or in liquidation, and discharging the public securities of any one state, and that each and every state shall have the exclusive right of making such laws and regulations, for the before mentioned purpose, as they shall think proper.

Fourth. That no amendments of the Constitution of the United States shall take effect or become a part of the Constitution of the United States, after the year one thousand and seven hundred and ninety-three without the consent of eleven of the states heretofore united under one Confederation.

Fifth. That the judicial powers of the United States shall extend to no possible case, where the cause of action shall have originated before the ratification of this Constitution, except in dispute between states about their territory, disputes between persons claiming lands under grants of different states and debts due to the United States.

Sixth. That no person shall be compelled to do military duty, otherwise than by voluntary enlistment, except in cases of general invasion, anything in the second paragraph of the sixth article of the Constitution, or any law made under the Constitution of the United States, to the contrary notwithstanding.

Seventh. That no capitation or poll tax shall ever be laid by Congress.

Eighth. In cases of direct taxes, the Congress shall first make requisitions on the several states, to assess, levy and pay their respective proportions to such requisitions, in such way and manner as the legislatures of the several states shall judge best ; and in case any state shall refuse or neglect to pay its proportion, pursuant to such requisition, then Congress may assess and levy such state's proportion, together with interest at the rate of six per cent. per annum, from the time prescribed in such requisition.

Ninth. That Congress shall lay no direct taxes, without the assent of the legislatures of the three-fourths of the states in the Union.

Tenth. That the journals of the proceedings of the Senate and House of Representatives, shall be published as soon as conveniently may be, at least once in every year, except such parts thereof relating to treaties, alliances or military operations as, in their judgment, may require secrecy.

Eleventh. That regular accounts of the receipts and expenditures of all public moneys, shall be published, at least, once in every year.

Twelfth. As standing armies, in time of peace, are dangerous to liberty, and ought not to be kept up, except in cases of necessity, and as, at

all times, the military should be under strict subordination to the civil powers, that, therefore, no standing army or regular troops shall be raised or kept up in time of peace.

Thirteenth. That no moneys be borrowed on the credit of the United States, without the assent of two-thirds of the senators and representatives present, in each House.

Fourteenth. That the Congress shall not declare war, without the concurrence of two-thirds of the senators and representatives present, in each House.

Fifteenth. That the words "without the consent of Congress," in the seventh clause in the ninth section of the first article of the Constitution, be expunged.

Sixteenth. That no judge of the Supreme Court of the United States, shall hold any other office under the United States or any of them; nor shall any officer appointed by Congress, be permitted to hold any office under the appointment of any of the States.

Seventeenth. As a traffic tending to establish or continue slavery of any part of the human species, is disgraceful to the cause of liberty and humanity, that Congress shall, as soon as may be, promote and establish such laws and regulations as may effectually prevent the importation of slaves, of every description, into the United States.

Eighteenth. And that the amendments proposed by Congress, in March, 1789, be adopted by this Convention, except the second article therein contained.

These two papers contain the Bill of Rights and the amendments to the Constitution, that were agreed to by the Convention, at their session in South Kingstown.

March 6, 1890. The House met according to adjournment; present as yesterday.

The House then further proceeded on the report of the Committee on the "Bill of Rights and amendments" to the proposed Constitution.

The House adjourned to 3 o'clock, P. M.

House met accordingly.

The following motion was made, by Mr. Marchant, viz.:

RESOLVED, That this Convention —

And thus abruptly ends the journal kept by Mr. Secretary Updike. A separate piece of paper, found with the journal

of the Secretary, contains the following, which probably was the motion, part of which is in the journal and the proceedings thereon.

The following motion was made, by Mr. Marchant, and seconded, by Mr. Bourn :

RESOLVED, That this Convention, having received, amended and approved the Bill of Rights, as reported by their Committee, do assent to adopt and ratify the Constitution of the United States of America, as already adopted by twelve of the United States, and now in actual exercise by them, and that the amendments reported by the same Committee, and as amended and approved by this Convention, be forwarded with the ratification of the Constitution, to the Congress, to be recommended to be made part of the Constitution of the United States of America.

Whereupon the previous question was moved for and seconded, in order to bring on a question for an adjournment of this Convention. And the previous question being carried, it was moved that this Convention do adjourn to the — day of —, then to meet at —, to decide upon the said Constitution of the United States of America, and the adoption or rejection thereof.

Thus far this paper appears to be in the hand-writing of Mr. Marchant. Below it, on the same paper, in a hand-writing somewhat different, is the following, which was probably adopted, or proposed as an amendment:—

To take into further consideration the said proposed Constitution of the United States of America.

There is no date to this paper. On the sixth day of March the Convention did, in fact, adjourn to meet in Newport, on the 4th Monday in May. Before the adjournment took place, the Convention passed the following vote, which is copied from one of the hand-bills, which were printed and distributed in accordance with it:

VOTED, That "the Bill of Rights" and "Amendments" proposed to the Federal Constitution, be referred to the freemen of the several towns, at their town meetings, on the third Wednesday of April next, for their

consideration; that one copy thereof be sent to each town clerk in this State, one to each member of the Convention, and one to each member of the upper and lower Houses of Assembly; and that they be sent to the sheriffs of the several counties to be distributed.

The following facts are copied from the *Providence Gazette* of March 13th. It will be perceived, that the statements from the *Gazette* do not exactly correspond with those copied from "the Journal," while they contain some particulars not noticed in the Journal:—

On Friday the Committee appointed to draft amendments, reported a Bill of Rights and amendments to the Constitution. The former became the subject of discussion, and was agreed to without any material alterations. On Saturday the amendments reported by the Committee occupied the attention of the Convention. Two of them were rejected: one proposed that Congress should not have the power of appointing such officers, within the several states, as had been chosen by the state legislatures. The object of the other was to substitute property as a rule of apportionment of direct taxes, instead of numbers. It was contended, by the members opposed to these amendments, that the Constitution did not invest Congress or the President of the United States, with the power of appointing state officers, and that there was no clause that would warrant such a construction. That the rule of apportionment of taxes by valuation, instead of numbers, would eventually operate injuriously to the State; that our proportion would be augmented, and that an apportionment by the valuation of estates had been found, by past experience, to be impracticable. Other arguments were adduced to show the impropriety of these amendments, and the Convention was induced to strike them out of the report of the Committee.

The proposed amendment, that Congress should, as soon as may be, provide effectual regulations to prevent the importation of slaves into the United States, occasioned considerable debate. The gentlemen who opposed it, stated, that if the amendment could have any effect to abolish the African trade, they should, by no means, object to its being recommended; but they contended that the Constitution itself expressly provided against any alteration or amendment of this clause until the year 1808, that was therefore nugatory to propose an amendment, which, consistently with the Constitution, could not obtain a ratification. On the other hand, it was urged, that a traffic in the human species was so wicked in its nature and

so inconsistent with the spirit of a free government, that if the proposed amendment could not take place, it was proper for the Convention to recommend it as evincing their sense respecting so infamous a traffic. Many other observations were made in favor of and against this amendment, and on the Convention being called, there appeared a majority of one in favor of it.

After all the amendments had been fully considered and finally voted, Mr. Marchant moved, in form, for a ratification of the Constitution. This motion was seconded by Mr. B. Bourn.

Mr. Comstock immediately rose, and moved, as a previous question, for an adjournment. A very lengthy debate then ensued on the motion of Mr. Comstock. The powers of the Convention to adjourn was questioned. It was observed that the delegates were chosen expressly, to meet at a certain time and place, then and there to investigate and decide on the Constitution; that these were the very words of the act of government for calling a Convention; and the same language was used by the several towns in the appointment of their delegates; that the power to investigate and decide at a certain time, did not imply a power to adjourn; that the delegates being thus elected for the express purpose of deciding on the Constitution, that it was the expectation of the people, that the question for its ratification or rejection should then be taken.

Moreover, upon a motion for an adjournment, it was carried in the affirmative by a majority of thirteen. Gov. Bradford then proposed that the adjournment should be to the last Monday in March. In favor of this motion, it was observed, that the adjournment proposed would afford sufficient time to lay the Bill of Rights and the amendments before the people for their consideration, and that this had been the ostensible object of the gentlemen who had voted for an adjournment, it was hoped the motion would be agreed to. Against an adjournment beyond the present month, many reasons were urged; that Congress having been assured by the Legislature, that there was every reason to hope, that this State would speedily accede to the Union, had granted us a further exemption from the foreign impost and tonnage duties; that this indulgence would expire on the first of April, and there was not the least probability of obtaining any further exemption; that the citizens of this State who were employed and subsisted entirely in the fishing and coasting business were numerous, and that the navigation laws of the Union must operate with such severity on these classes of citizens, as would reduce them to the alternative of staying at home or removing into the other states. Many other arguments were added, showing the numerous disadvantages which would result from an adjournment beyond the time proposed; but on the question being taken for an adjournment to the last Monday in March, it was negatived by a majority of seven.

Mr. Andrew Waterman then moved for an adjournment to the fourth Monday in May. Others proposed an intermediate time, and the fourth Monday in April was mentioned, but the motion of Mr. Waterman prevailed by a majority of five.

On the first question of adjournment, the yeas and nays were as follows :

YEAS—Burrington Anthouy, Job Durfee, Giles Slocum, Peter Barker, Gideon Arnold, Thomas Rice, Edward Hull, Ray Sands, William Congdon, Bowen Card, Jonathan J. Hazard, Samuel J. Potter, Pardon Mawney, Job Comstock, Andrew Waterman, John Sayles, James Aldrich, Nathan Bates, Stephen Steere, Joseph Stanton, Jr., Thomas Hoxsie, William Nichols, William Mathewson, Benjamin Arnold, of Coventry, Job Greene, Joseph Reynolds, Job Wilcox, Joshua Barker, William Peckham, James Sheldon, Thomas James, Peter Stone, Jonathan Sprague, John Brown, of Hopkinton, Jesse Maxson, Noah Mathewson, William B. King, Elisha Brown, Esek Eston, William Howard, John Williams.—41.

NAYS—George Hazard, Henry Marchant, George Champlin, Peleg Clarke, George Sears, William Tripp, Jabez Bowen, Benjamin Bourn, William Barton, John I. Clark, Benjamin Arnold, of Warwick, Christopher Greene, Walter White, George Stillman, Benjamin Remington, Nicholas Carr, William Bradford, Shearjashub Bourne, Isaac Manchester, Abraham Barker, John Davis, William Ladd, Nathan Miller, Samuel Pearce, John S. Dexter, Levi Ballou, Thomas Allen, Samuel Allen.—28.

The *United States Chronicle* of March, states the motion to adjourn was adopted by a majority of nine, the time by a majority of four, and Newport, the place, by a majority of one.

Mr. Secretary Updike left another paper book, containing a Journal of the Proceedings of the Convention, at its adjourned session in Newport. The first leaves of this book are lost. It commenced with a copy of the Bill of Rights, and the amendments agreed to at South Kingtown. The book now commences about the middle of the twelfth item of the Bill of Rights. After these, he commences the Journal proper, as follows :—

At a Convention began and held at Newport, in the county of Newport, on the 25th day of May, A. D. 1790, by adjournment, for the purpose of

investigating and deciding on the new Constitution proposed for the United States of America :

DELEGATES PRESENT.

Newport—Mr. George Champlin, Mr. George Sears.

From several other towns—Mr. John Davis, Mr. Isaac Manchester, Mr. Abraham Barker, Mr. William Ladd, Mr. Jesse Maxson, Mr. William Peckham, Mr. John Brown, Mr. William Nichols, Mr. Walter White, Mr. George Stillman.

The House then adjourned to Tuesday, the 25th instant, at 10 o'clock, A. M.

Tuesday, 10 o'clock, the Convention met according to adjournment. Present,

THE PRESIDENT.

NEWPORT.

George Hazard, Esq.
Henry Marchant, Esq.
George Champlin, Esq.
Peleg Clarke, Esq.
Mr. William Tripp,
George Sears, Esq.

PROVIDENCE.

Jabez Bowen, Esq.
Benjamin Bourn, Esq.
Col. William Barton,
John I. Clark, Esq.

PORTSMOUTH.

Mr. Burrington Anthony,
Mr. Job Durfee,
Mr. Giles Slocum,
Mr. Peter Barker.

WARWICK.

Thomas Rice, Esq.
Mr. Gideon Arnold,
Mr. Benjamin Arnold, Jr.
Mr. Christopher Greene, Jr.

WESTERLY.

Capt. Walter White,
George Stillman, Esq.

NEW SHOREHAM.

Edward Hull, Esq.
Ray Sands, Esq.

NORTH KINGSTOWN.

William Congdon, Esq.
Bowen Card, Esq.

SOUTH KINGSTOWN.

Samuel J. Potter, Esq.
Jonathan J. Hazard, Esq.

EAST GREENWICH.

Mr. Pardon Mawney,
Job Comstock, Esq.

JAMESTOWN.

Capt. Benjamin Remington,
Mr. Nicholas Carr.

SMITHFIELD.

John Sayles, Esq.
Andrew Waterman, Esq.

SCITUATE.

Capt. James Aldrich,
Mr. Nathan Bates.

GLOCESTER.

Daniel Owen, Esq., President.
Stephen Steere, Esq.

CHARLESTOWN.

Thomas Hoxsie, Esq.
Joseph Stanton, Esq.

WEST GREENWICH.

Mr. William Matteson,
William Nichols, Esq.

COVENTRY.

Benjamin Arnold, Esq.
Lieut. Job Greene.

EXETER.

Mr. Jonathan Reynolds,
Capt. John Willcox.

MIDDLETOWN.

Joshua Barker, Esq.
Mr. William Peckham, Jr.

BRISTOL.

William Bradford, Esq.
Shearjashub Bourne, Esq.

TIVERTON.

Mr. Isaac Manchester,
Mr. Abraham Barker.

LITTLE COMPTON..

Capt. William Ladd,
Capt. John Davis.

WARREN.

Mr. Benjamin Bosworth,
Mr. Samuel Pearce.

CUMBERLAND.

John S. Dexter, Esq.

RICHMOND.

James Sheldon, Esq.
Mr. Thomas James.

CRANSTON.

Peter Stone, Esq.
Jonathan Sprague, Jr., Esq.

HOPKINTON.

Mr. John Brown,
Col. Jesse Maxson.

JOHNSTON.

Noah Mathewson, Esq.
Mr. William B. King.

NORTH PROVIDENCE.

Elisha Brown, Esq.
Mr. Ezek Esten.

BARRINGTON.

Col. Thomas Allen,
Samuel Allen, Esq.

FOSTER.

Capt. William Howard,
John Williams, Esq.

Levi Ballou, Esq.

The President adjourned the House to 3 o'clock P. M.

The House met according to adjournment ; present, as in the forenoon.

This day, Mr. Benjamin Bosworth produced a certificate from the town of Warren, certifying that he is chosen a member to represent said town in this Convention in the room of Gen. Nathan Miller, deceased, whereupon he took his seat.

The House then adjourned to 9 o'clock to-morrow morning.

The House met according to adjournment.

Moved by Mr. Comstock, that this Convention adjourn for a short time. Moved by the House that the propriety of the motion be determined by the President, who says, it is in order agreeably to the rules and orders of the House.

The question being then put, adjourn or not, it passed in the negative, by a majority of six.

The House adjourns to 3 o'clock P. M.

On a loose paper found with the Secretary's journal, is

the following memorandum, apparently of the same proceedings :

Moved that the legality of the motion of Mr. Comstock for an adjournment of this Convention, be determined by the President, who says, it is in order agreeably to the rules and orders of the House. The question being then put, whether to adjourn or not, it passed in the negative by a majority of six.

[It would seem that there could be no reason to doubt "the legality of the motion of Mr. Comstock," from the facts shown in the Secretary's record. In the *United States Chronicle* of June 3d, is the following notice of this part of the proceedings of the Convention, which throws some light on the question.]

Some of the members being absent no business was done until Wednesday, when the instructions which had been given by some of the towns were read.

A motion was then made for the adoption of the Constitution of the United States and the Bill of Rights and amendments agreed to at the former meeting. Before a discussion of the question took place, a motion was made for an adjournment, which was objected to. The President being called on to determine, said, that by the rules established by the Convention, a motion for adjournment superseded all others. After some conversation the question for an adjournment was taken and lost by a majority of nine. Thus far the *Chronicle*.]

With the Secretary's journal was also returned another loose sheet of paper, which would seem to contain minutes of the debate at this time. It is in the hand-writing of Mr. Secretary Updike, and in all respects corresponds with the minutes of other debates, before given. If errors are made in transcribing them, they are not the result of a want of desire to be correct. The memory of Mr. Secretary who wrote them, is necessary to supply many words and phrases, evidently omitted. The minutes referred to reads thus:—

Mr. Marchant. To give them an opportunity to do the business, most consistently with the good of our constituents. The Convention is also invested with power to make such amendments as would be consistent with the good of our constituents, and who, in the strongest terms, express themselves to Congress itself. Then, thought an adjournment necessary, and

acceded to those people who are in opposition to the motion. The smallest State in the Union, except one, and the nearest the operation of the Federal Government. I made the motion for the adoption, but the previous question, &c. Reads the motion, &c., as at previous session.

Mr. Bourn. Reads the form of an adoption he has.

Mr. Comstock moves for an adjournment, and is seconded by Mr. Steere.

Col. Barton. Largely against a postponement.

Mr. Champlin. With him, and says, there was nothing said against the Constitution, and it only now remains that we consider the necessity of adopting it. We have had the opportunity of all that the other states have done on the subject. Congress about to exclude from us the Union. What the situation of this State—men who have wood to sell, &c.? The * * * not alone. The whole county of Bristol, and some towns in the southern part of the State. We must go where our application can have its effect, where we should be redressed with the assistance of the * * * in this State. Sure of amendments being obtained. Wish gentleman would withdraw his motion, &c.

Mr. Bourn. We should determine whether Mr. Comstock's motion is regular or not.

Mr. Hazard. That he has a good opinion of, &c. But denies they have a right to demand money from ancient confederation.

Dr. Bradford. Wish not to bring prejudices up to view, what will be the consequences, provided we adjourn.

(On the back side of this paper is a tally, kept by some one, of votes, on a question of "adjournment" or "not," in which the nots have nine majority, sixty-seven votes being given on the question.

In the preceding extract from the *United States Chronicle*, reference is made to instructions given by the freemen of towns to their delegates, between the first and the adjourned meeting of the Convention. Among the papers forwarded with the Secretary's minutes, are the following instructions for the deputies of Richmond, Middletown, Charlestown, Portsmouth, North Kingstown and Providence:—

RICHMOND.

In town meeting, 15th April, A. D. 1790.

Upon the Bill of Rights and amendments, proposed by the Convention

of the State of Rhode Island, &c., to the Constitution of the United States:

IT IS VOTED AND RESOLVED, That the same, hereby, are approved by this meeting, and that the delegates appointed by this town be, and they hereby are, instructed to use their influence, in said Convention, at their adjournment, that the following amendments be added to said amendments:

That each state have the power of fixing and paying their compensation of their respective Senators and Representatives—and that Congress be empowered to take effectual measures for the immediate abolition of slavery—and that direct taxes be apportioned, upon the several states, upon the valuation of property—and that each State shall have power to recall their Senators at any time, and send others in their room.

A true copy: attest,

J. TEFFT, TOWN CLERK.

MIDDLETOWN.

VOTED, That this meeting do approve of the Bill of Rights and amendments, submitted by the late Convention; and the delegates of this town are hereby instructed to use their votes and influence for adopting the Constitution of the United States, if the said Bill of Rights and the said amendments first become a part of the said Constitution, together with the following additional amendment, viz.:

That the pay of the Senators and Representatives be ascertained and paid by their respective states, and recalled when their respective legislatures may think proper, and others appointed in their stead. And otherwise, that they, the said delegates, be, and they are hereby, instructed to oppose an adoption thereof.

The above is a true extract, taken from a vote passed at a town meeting held in Middletown, April 21st, 1790.

Witness,

ELISHA ALLEN, TOWN CLERK.

CHARLESTOWN.

At a town meeting held in Charlestown, in Washington County, on the 21st day of April, 1790:

VOTED, That the Bill of Rights, framed by the State Convention, be approved by this town meeting.

VOTED, That this town meeting do approve of the amendments made by this State Convention, to the new Constitution.

VOTED, That this town meeting do instruct their delegates, as follows, to this State's amendments, viz.: that the judiciary power of the United States, be more explicitly defined, and more accurately distinguished from those of the respective states; That the Senate shall not possess all the executive

and judicial powers, now vested in that body; That it be left to the several states to make compensation to their senators and representatives respectively, for their services in Congress.

That the state legislatures have power to recall, when they may think it expedient, their Federal Senators and send others in their stead.

VOTED, That the delegates from this town, do not adopt the Constitution of the United States, until the amendments proposed by our State Convention, shall become a part of said Constitution.

The above is a true copy, compared: witness,

BENJ. HOXSIE, JR., TOWN CLERK.

PORTSMOUTH.

At a town meeting of the freemen of Portsmouth, held, by adjournment, the 26th of the month called April, 1790.

VOTED, That the following instructions be given to the delegates of this town, to wit: That it is the sense of this town meeting, that the instructions to their delegates, at the State Convention, held at South Kingstown, the first Monday in March last past, be ratified, and again recommended to the delegates, in order to regulate their conduct at the meeting of the adjournment of the said Convention, which is to meet at Newport the fourth Monday in May next, with this additional instruction, that they do not, by any means, agree to another adjournment, but, at said next meeting, use all their influence and abilities to have the new Constitution, as proposed by Congress, agreed to and ratified by this State.

A true copy: witness,

ABRAHAM ANTHONY, TOWN CLERK.

NORTH KINGSTOWN.

Instructions for the delegates of the town of North Kingstown, when in convention assembled, on the 24th of May, A. D. 1790, respecting the Bill of Rights and amendments, recommended to the consideration of the freemen of this town:

VOTED, That the amendments proposed by the State Convention, convened in South Kingstown, in March last, are conceived, by the freemen of this town, inadequate to real and substantial amendments, and we recommend that further amendments be made to the Federal Constitution, as their wisdom shall direct, in particular, such as respect the several states recalling their delegates from Congress, whenever they think fit, and that each state retain its sovereignty in paying their own delegates their respective salaries; and that they do not adopt the Constitution, until their proceedings be again laid before and conceded to by the freemen of this

State, and the amendments made by said Convention be agreed to by the Congress of the United States.

VOTED, Received, and that it be copied and delivered to the delegates accordingly.

The above is a true copy of the instructions to this town's deputies, voted and passed at a town meeting held in North Kingstown, on the 21st of April, 1790.

Taken from the minutes : witness,

GEORGE THOMAS, TOWN CLERK.

PROVIDENCE.

At a meeting of the freemen of the town of Providence, legally warned and assembled, at the State House, on the 24th of May, A. D. 1790 :

RESOLVED, That, in case the Convention of this State, now convened in Newport, shall not, at the present session, adopt the Constitution, but shall either reject the same or adjourn to some future day, that, in such case, the delegates from this town, at said Convention, be, and they are hereby, instructed to enter a solemn and spirited protest against the rejection or adjournment.

IT IS FURTHER RESOLVED, That it is our opinion, that, on the rejection of the said Constitution or further delay of a decision thereon, the respective towns of the State have a right to make application to the Congress of the United States, for the same privileges and protection which are afforded to the towns under their jurisdiction ; and, in such case, the delegates from this town be, and they are hereby, fully authorized and empowered to meet with the delegates from the town of Newport, and the delegates from such other towns as may think proper to join them, for the purpose of consulting and devising such mode of application as they, in their wisdom, may think proper, and to carry the result of their deliberations into immediate effect, and that they make report of their doings to the next town meeting.

ORDERED, That the clerk furnish our delegates with a copy hereof, for their instructions.

A true copy : witness,

DANIEL COOKE, TOWN CLERK.

It would be difficult to defend this proceeding of the town of Providence. A writer in the *United States Chronicle* of May 27th, thus attempts it :—

MR. WHEELER :—As the instructions of this town to its delegates in Convention, in case of their not adopting the Constitution at the present session, to secede from the authority of this State, is a measure, in its nature, serious

and extraordinary, it was thought proper to notify the principles on which alone it could be justified. This is attempted in the following resolutions, intended to have been submitted to the freemen of the town, had not the writer of them been necessarily absent. As the instructions passed on Monday last, passed without apology, preface, reasons, or principles, or even any statement of facts to justify them, you are requested to publish these resolutions, which may serve in nature of a manifesto, till a better justification for those instructions may be published by the advocates of them.

GROTIUS.

RESOLVED, That the people of these countries, reverted to a state of natural liberty on their Declaration of Independence, of the British government.

RESOLVED, That the people of this then Colony, never consented, either expressly or implicitly, to assume and exercise a sovereignty disconnected from the people of our then sister colonies.

RESOLVED, That the people of this town owe no allegiance to the government administered over them at present, any further, than this State is considered as one of the thirteen United States of America.

RESOLVED, That in case the Convention of this State refuse to become reunited with the rest of the states aforesaid, the people inhabiting this town will be authorized to make use of all their natural rights, for the security of their lives, liberty and property.

RESOLVED, That any further continuance of the question for deciding on the proposed Federal Constitution in the present State Convention, will be considered by the freemen of this town equivalent to a rejection thereof.

And to the end, that the sentiments of the people of this town may be seasonably made known to their brethren in other parts of the State, that such of them as may concur in opinion with us, may be prepared to coöperate with us in such measures as may be eventually judged proper.

RESOLVED, That a copy of these resolutions be certified by the clerk and delivered to the delegates representing this town in the present State Convention, to be by them communicated.

RESOLVED, That the foregoing be printed in the next Providence newspapers.

The next entry from the Journal of the Secretary, commences with the proceedings of the Convention, on the afternoon of Wednesday, May 26th.

The House met according to adjournment; and the Constitution of the

Federal Government being read and the amendments proposed by this State, &c.

Voted, That the former committees of the several counties in this State, [Mr. Giles Slocum being chosen in the room of Mr. Ray Sands, who is absent,] do proceed to make such further amendments to the said proposed Federal Constitution as they shall think expedient, agreeably to the instructions from the several towns, and that they report.

The House then adjourned to to-morrow morning, 9 o'clock, then to meet at the Rev. Mr. Thurston's meeting house, in this town.

The House met at the Baptist meeting house, in Newport, on the 27th day of May inst., according to adjournment, and previous to the opening of the business, the Rev. Mr. Thurston made a prayer suitable to the occasion.

The report of the committee being received and read, the following amendment was agreed on, in addition to the amendments agreed to at the first meeting of this Convention at South Kingstown in March last, and which amendment is entered on the original amendments accordingly, to wit :

That the State Legislatures have power to recall, when they think it expedient, their federal senators and to send others in their stead.

The House then adjourned to 8 o'clock P. M.

Thursday, 8 o'clock, P. M. The House met according to adjournment. Present, as in the forenoon.

The House being called, Voted, that there be a committee to draft such further amendments to the Federal Constitution as they shall think necessary, and also the filling up and completing the bill ratifying the form of the adoption of the Federal Constitution ; and that the committee consist of two from each county, to wit :

From Newport.—Mr. George Champlin, Mr. Burrington Anthony.

From Providence.—Mr. Benjamin Bourn, Mr. Stephen Steere.

From Washington.—Mr. Jonathan J. Hazard, Mr. George Stillman.

From Bristol.—Mr. Shearjashub Bourne, Mr. Benjamin Bosworth.

From Kent.—Mr. Benjamin Arnold, Mr. Christopher Greene.

And that they report as soon as may be.

The House then adjourned to 10 o'clock, to-morrow morning.

Friday morning, 10 o'clock, May 28th, 1790. The House met according to adjournment. Present, as yesterday.

The business of the day being preceded by an elegant and concise address to the Deity by the Rev. William Patten.

The House then took up the report of their committee, which being read and received, ordered the three articles reported by the committee, in addi-

tion to these amendments already made, be added to the amendments, and engrossed, to wit :

1st. That Congress have power to establish a uniform rule of inhabitation or settlement, of the poor of the United States throughout the United States.

2d. That Congress erect no company with exclusive advantages of commerce.

3d. That when two members shall call for the ayes and nays to be taken on any question, they shall be entered on the Journals of the respective houses.

And the committee further report that the eighteenth article of the amendments, as agreed to by the Convention in South Kingstown, be expunged, and that instead thereof, a resolution pass the Convention for recommending the amendments agreed to by Congress in March, 1789, except the second article thereof to the Legislature of this State for their ratification, pursuant to the fifth article of the Constitution.

And the committee further report, that the form of ratification be agreeable to the one which they herewith present.

Signed by the committee.

The House then adjourned to 3 o'clock, P. M.

Three o'clock, P. M. The House met according to adjournment, and proceed to the debates as in the forenoon, on the Federal Constitution in general.

The House then voted to adjourn to Saturday, 3 o'clock, P. M.

No minutes of the debates on this, or the following day, are found among the papers in the Secretary's files. The *United States Chronicle* of June 3d, gives the following concise notice of these proceedings, and furnishes the reason of the adjournment from Friday afternoon to Saturday afternoon.

Thursday and until Friday afternoon, the attention of the Convention was taken up by different speakers, for and against the adoption. About 5 o'clock on Friday, a motion was made by one of the members from Portsmouth, that the Convention should adjourn to the next day 3 o'clock, P. M., as he wished for liberty to go home and state to his constituents the situation of affairs. This was objected to by the gentlemen who opposed the adoption. It was, however, finally carried by a majority of eight.

Saturday, 3 o'clock, P. M. The House met according to adjournment. Present as yesterday.

The Rev. Mr. William Smith made a prayer suitable to the occasion.

The *United States Chronicle*, before referred to, furnishes the following as the result of the conference of the member from Portsmouth with his constituents :—

On Saturday, 3 o'clock, the Convention met, and the deputies from Portsmouth produced instructions from their town, to vote for the adoption, a town meeting having been held since the adjournment. The deputies from Middletown, also produced instructions from their constituents to vote for the adoption ; a town meeting having been called there.

Among papers found with the Secretary's minutes, are two containing instructions, one to the delegates from Middletown, and one to those of Portsmouth ; probably the same as those alluded to in the foregoing extract from the *Chronicle*. It appears from instructions given to delegates from Portsmouth twice before, in February and in April, that they were directed to vote for the Constitution. By reference to the final vote on the Constitution by the Convention, it will appear that one of the delegates voted against it. May not the probability of this vote have been "the situation of affairs" that the delegate from Portsmouth, moving for the adjournment on Friday, wished "to state to his constituents."

The instructions given at the town meeting on the 29th of May, were as follows :—

MIDDLETOWN.

At a town meeting held in Middletown, May 29, 1790.

VOTED, That the delegates of this town be, and they hereby are, instructed to use their influence and votes, in the Convention, now sitting at Newport, for the adoption of the Constitution, which hath been already adopted by twelve states.

A true extract, taken from records : witness,

ELISHA ALLEN, TOWN CLERK.

PORTSMOUTH.

At a town meeting of the freemen of Portsmouth, held at the house of

Elisha Coggeshall, this 29th day of May, 1790, legally convened and expressly called, at this time, for the purpose of obtaining the final decisive opinion of the town respecting the adoption or rejection of the new Constitution, proposed by Congress for the government of the United States, now under consideration of the State Convention; and also for taking into further consideration the instructions, which were given by the town to their delegates in said State Convention, held at South Kingstown, and which were afterwards ratified and confirmed, and again directed to be considered by their delegates as the sentiments of the town with regard to the line of conduct which ought to be pursued, when at the meeting, on the adjournment of said Convention, to be held at Newport.

IT WAS VOTED AND RESOLVED, That it is the opinion of the town, that it will be for the benefit and interest of the freemen thereof, as of the good people of this State in general, that the said new Constitution, proposed as aforesaid, should be adopted and ratified, and in the manner recommended by Congress; and that any delay in ratifying and acceding to the same, either by an adjournment or rejection thereof, will, in its consequences, be very injurious to this State, and particularly so, to the interests of the town of Portsmouth.

VOTED AND RESOLVED, That the instructions given by this town to their delegates, as aforesaid, were then, and we now consider and declare them to be the sentiments of a majority of the freemen assembled at this town meeting, and they are hereby once more confirmed and recommended strongly to their delegates, expressly with the design that they may influence and regulate their conduct in the weighty and momentous question now before them in Convention, so that, after these declarations, they may not have to say that it was done innocently, or for want of better information on the subject, should they vote for, or occasion any longer delay of an adoption, by the part they may take therein. But should they obstinately persist in measures opposed to the declared and repeated sentiments of the town, then the good people thereof, do and will hold themselves clear of the evil consequences and destruction which must ensue to the State at large, on such delay or rejection, by having thus acted their part, as far as in them lies, to avert and prevent these evils, which a stoppage of trade and intercourse with our sister states, must occasion, and which, undoubtedly, will take place, should this State withdraw from the General Union, by not acceding, at this present sitting of the Convention, to the new Constitution, prepared for their consideration and decision upon.

We, therefore, now order and direct, as far as in us lies, that the delegates, for the town, do, for us, and in the name of the town of Portsmouth, ratify and accede to, in the present meeting of the Convention, the aforesaid

Constitution, and that they do not agree to any other or further adjournment, but bring the decision thereon to as speedy a conclusion as possible.

VOTED AND RESOLVED, That one copy of these proceedings of this town meeting, be delivered to Burrington Anthony, Esq., for the use of our delegates, and that Samuel Elam be appointed to deliver another copy to the President of the Convention, in order that our sentiments on this head may be more generally known; and the town clerk is ordered to certify the same.

A true copy of the proceedings of the town meeting: witness,
ABRAHAM ANTHONY, JR., TOWN CLERK.

The journal of the Secretary continues :—

This day Mr. Elisha Barker produced a certificate from the town of Middletown, certifying that he is chosen a member to represent said town in this Convention, in the room of William Peckham, Jr., who has resigned, whereupon he took his seat.

Mr. Bourne then moved for the grand question of adopting or rejecting the federal government, which was seconded by Gov. Bowen.

The question being put at twenty minutes past 5 P. M., it passed in the affirmative, thirty-four members voting for the adoption, and thirty-two against it.

Voted, that the bill ratifying and adopting the Federal Constitution with the Amendments that were reported by the committee be, and the same is, approved by this Convention.

The *Chronicle* gives the names and votes of the members, and the absentees, as follows :—

AYES.

NEWPORT.

George Hazard,
Henry Marchant,
George Champlin,
Peleg Clarke,
William Tripp,
George Sears.

PROVIDENCE.

Jabez Bowen,
Benjamin Bourn,
William Barton,
John I. Clarke.

PORTSMOUTH.

Burrington Anthony,
Peter Barker.

WARWICK.

Benjamin Arnold, Jr.,
Christopher Greene, Jr.

WESTERLY.

Walter White,
George Stillman.

JAMESTOWN.

Benjamin Remington,
Nicholas Carr.

MIDDLETOWN.

Joshua Barker,
Elisha Barker.

BRISTOL.

William Bradford,
Shearjashub Bourne.

TIVERTON.

Isaac Manchester,
Abraham Barker.

LITTLE COMPTON.

John Davis,
William Ladd,

PORTSMOUTH.

Giles Slocum.

WARWICK.

Thomas Rice,
Gideon Arnold.

NORTH KINGSTOWN.

William Congdon,
Bowen Card,

SOUTH KINGSTOWN.

Samuel J. Potter,
Jonathan J. Hazard.

EAST GREENWICH.

Job Comstock,
Pardon Mawney,

SMITHFIELD.

Andrew Waterman,
John Sayles.

SCITUATE.

James Aldrich,
Nathan Bates.

GLOCESTER.

Stephen Steere.

CHARLESTOWN.

Joseph Stanton, Jr.,
Thomas Hoxsie.

WARREN.

Benjamin Bosworth,
Samuel Pearce,

CUMBERLAND.

John S. Dexter,
Levi Ballou.

HOPKINTON.

John Brown,
Jesse Maxson.

BARRINGTON.

Thomas Allen,
Samuel Allen.

NAYS.

WEST GREENWICH.

William Nichols,
William Matteson.

COVENTRY.

Benjamin Arnold,
Job Greene.

EXETER.

Joseph Reynolds,
Job Wilcox.

RICHMOND.

James Sheldon,
Thomas James.

CRANSTON.

Peter Stone,
Jonathan Sprague, Jr.

JOHNSTON.

Noah Mathewson,
William B. King.

NORTH PROVIDENCE.

Elisha Brown,
Esek Esten.

FOSTER.

William Howard,
John Williams.

ABSENT.

PORTSMOUTH.—Job Durfee.

NEW SHOREHAM.—Edward Hull, Ray Sands.

In the Chair.—GLOCESTER.—Daniel Owen.

The Journal of the Secretary goes on :—

IT IS RESOLVED UNANIMOUSLY, That the amendments agreed to by Congress in March, 1789, and proposed to the legislatures of the several states, except the second article thereof, be recommended by this Convention to the Legislature of this State for their ratification, pursuant to the fifth article of the Constitution of the United States.

IT IS VOTED UNANIMOUSLY, That the thanks of this Convention be presented to the President for the candor and impartiality with which he has discharged the office of President.

RESOLVED, That three hundred copies of the Ratification of the Constitution of the United States of America by the Convention of this State, including the Bill of Rights and the amendments, be printed ; and that one copy be sent to each member of this Convention, one to each town clerk, and one to each member of the upper and lower Houses of Assembly, for the general information of the people, and that they be sent to the sheriffs of the different counties to be distributed.

IT IS VOTED, That the thanks of the Convention be presented to the reverend clergy who have officiated at this Convention, for their attendance and good offices.

The Convention then adjourned *sine die*.

Among the papers found with the Journal of Mr. Secretary Updike, there is no copy of the formal vote of Ratification, though there are several imperfect copies. The following is a copy of the Ratification as printed and circulated :—

BY THE CONVENTION OF THE STATE OF RHODE ISLAND AND PROVIDENCE
PLANTATIONS.

We, the delegates of the people of the State of Rhode Island and Providence Plantations, duly elected and met in Convention, having maturely considered the Constitution of the United States of America, agreed to on the 17th day of September, in the year one thousand seven hundred and eighty-seven, by the Convention then assembled at Philadelphia, in the Commonwealth of Pennsylvania, (a copy whereof precedes these presents,) and having also seriously and deliberately considered the present situation of this State, do declare and make known :—

1. That there are certain natural rights, of which men, when they form a social compact, cannot deprive or divest their posterity, among which are the enjoyments of life and liberty, with the means of acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

2. That all power is naturally vested in and consequently derived from the people ; that magistrates, therefore, are their trustees and agents, and, at all times, amenable to them.

3. That the powers of civil government may be re-assumed by the people, whensoever it shall become necessary for their happiness. That the rights of the states respectively, to nominate and appoint all state officers, and every other power, jurisdiction and right, which is not by said Constitution clearly delegated to the Congress of the United States, or to the departments of government thereof, remain to the people of the several states, or their respective state governments, to whom they may have granted the same ; and that those clauses in the said Constitution, which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said Constitution, but such clauses are not to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution.

4. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men have an equal, natural and unalienable right to the free exercise of religion, according to the dictates of conscience ; and that no particular religion, sect or society ought to be favored or established, by law, in preference to others.

5. That the legislative, executive and judiciary powers of government, should be separate and distinct ; and that the members of the two first may be restrained from oppression, by feeling and participating the public burdens, they should, at fixed periods, be reduced to a private station, return into the mass of the people, and the vacancies be supplied by certain and regular elections, in which all or any part of the former members to be eligible or ineligible, as the rules of the constitution of government and the laws shall direct.

6. That elections of representatives in the legislature ought to be free and frequent, and all men having sufficient evidence of permanent common interest with, and attachment to, the community, ought to have the right of suffrage ; and no aid, charge, tax or fee, can be set, rated or levied upon the people without their own consent, or that of their representatives so elected, nor can they be bound by any law, to which they have not in like manner assented, for the public good.

7. That all power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people in the legislature, is injurious to their rights, and ought not to be exercised.

8. That in all capital and criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the

accusers and witnesses, to call for evidence and be allowed counsel in his favor, and to a fair and speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, (except in the government of the land and naval forces,) nor can he be compelled to give evidence against himself.

9. That no freeman ought to be taken, imprisoned or disseized of his freehold, liberties, privileges or franchises, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the trial by jury, or by the law of the land.

10. That every freeman restrained of his liberty, is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury, as hath been exercised by us and our ancestors, from the time whereof the memory of man is not to the contrary, is one of the greatest securities to the rights of the people, and ought to remain sacred and inviolate.

12. That every freeman ought to obtain right and justice, freely and without sale, completely and without denial, promptly and without delay; and that all establishments or regulations contravening these rights, are oppressive and unjust.

13. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

14. That every person has a right to be secure from all unreasonable searches and seizures of his person, his papers or his property; and, therefore, that all warrants to search suspected places, or seize any person, his papers or property, without information upon oath or affirmation of sufficient cause, are grievous and oppressive; and that all general warrants (or such, in which the place or person suspected, are not particularly designated,) are dangerous, and ought not to be granted.

15. That the people have a right peaceably to assemble together, to consult for their common good, or to instruct their representatives; and that every person has a right to petition or apply to the legislature for redress of grievances.

16. That the people have a right to freedom of speech, and of writing and publishing their sentiments. That freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.

17. That the people have a right to keep and bear arms; that a well regulated militia, including the body of the people capable of bearing arms, is the proper, natural and safe defense of a free state; that the militia shall not be subject to martial law, except in time of war, rebellion or in-

surrection ; that standing armies in time of peace are dangerous to liberty, and ought not to be kept up, except in case of necessity ; and that at all times the military should be under strict subordination to the civil power ; that in time of peace no soldier ought to be quartered in any house without the consent of the owner, and in time of war only by the civil magistrate, in such manner as the law directs.

18. That any person religiously scrupulous of bearing arms ought to be exempted, upon the payment of an equivalent to employ another to bear arms in his stead.

Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments hereinafter mentioned will receive an early and mature consideration and conformably to the fifth article of said Constitution, speedily become a part thereof, we, the said delegates, in the name and in the behalf of the people of the State of Rhode Island and Providence Plantations, do, by these presents, assent to and ratify the said Constitution ; in full confidence, nevertheless, that until the amendments hereafter proposed, shall be agreed to and ratified, pursuant to the aforesaid fifth article, the militia of this State will not be continued in service out of this State for a longer term than six weeks without the consent of the Legislature thereof ; that the Congress will not make or alter any regulation in this State respecting the times, places and manner of holding elections for senators or representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same ; and that, in those cases, such power will only be exercised until the Legislature of this State shall make provision in the premises ; that the Congress will not lay direct taxes within this State, but when the moneys arising from the impost, tonnage and excise shall be insufficient for the public exigencies, nor until the Congress shall have first made a requisition upon this State to assess, levy and pay to the amount of such requisition made agreeably to the census fixed in the said Constitution in such way and manner as the Legislature of this State shall judge best, and that the Congress will not lay any capitation or poll tax.

Done in Convention at Newport, in the county of Newport, in the State of Rhode Island and Providence Plantations, the 29th day of May, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the United States of America.

By order of the Convention :

Signed,

DANIEL OWEN, PRESIDENT.

Attest, DANIEL UPDIKE, Secretary.

And the Convention do, in the name and behalf of the people of the State of Rhode Island and Providence Plantations, enjoin it upon their senators and representative or representatives, which may be elected to represent this State in Congress, to exert all their influence and use all reasonable means to obtain a ratification of the following amendments to the said Constitution in the manner prescribed therein, and in all laws to be passed by the Congress in the mean time to conform to the spirit of the said amendments as far as the Constitution will admit.

AMENDMENTS.

1. The United States shall guarantee to each state its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this Constitution expressly delegated to the United States.

2. That Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for senators and representatives, or either of them, except when the legislature of any state shall neglect, refuse, or be disabled by invasion, or rebellion, to prescribe the same, or in case when the provision made by the state is so imperfect as that no consequent election is had, and then only until the legislature of such state shall make provision in the premises.

3. It is declared by the Convention, that the judicial power of the United States, in cases in which a state may be a party, does not extend to criminal prosecutions, or to authorize any suit by any person against a state; but to remove all doubts or controversies respecting the same, that it be especially expressed as a part of the Constitution of the United States, that Congress shall not, directly or indirectly, either by themselves, or through the judiciary, interfere with any one of the states, in the redemption of paper money already emitted, and now in circulation, or in liquidating or discharging the public securities of any one state; that each and every state shall have the exclusive right of making such laws and regulations for the before mentioned purpose as they shall think proper.

4. That no amendments to the Constitution of the United States, hereafter to be made, pursuant to the fifth article, shall take effect, or become a part of the Constitution of the United States, after the year one thousand seven hundred and ninety-three, without the consent of eleven of the states heretofore united under the confederation.

5. That the judicial powers of the United States shall extend to no possible case where the cause of action shall have originated before the ratification of this Constitution; except in disputes between states about their territory, disputes between persons claiming lands under grants of different states, and debts due to the United States.

6. That no person shall be compelled to do military duty other than by

voluntary enlistment, except in cases of general invasion ; anything in the second paragraph of the sixth article of the Constitution, or any law made under the Constitution, to the contrary, notwithstanding.

7. That no capitation or poll tax shall ever be laid by Congress.

8. In cases of direct taxes, Congress shall first make requisitions on the several states to assess, levy, and pay their respective proportions of such requisitions, in such way and manner as the legislatures of the several states shall judge best ; and in case any state shall neglect or refuse to pay its proportion pursuant to such requisition, then Congress may assess and levy such state's proportion, together with interest, at the rate of six per cent. per annum, from the time prescribed in such requisition.

9. That Congress shall lay no direct taxes without the consent of the legislatures of three-fourths of the states in the Union.

10. That the journals of the proceedings of the Senate and House of Representatives shall be published as soon as conveniently may be, at least once in every year ; except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy.

11. That regular statements of the receipts and expenditures of all public money shall be published at least once a year.

12. As standing armies in time of peace are dangerous to liberty, and ought not to be kept up, except in cases of necessity, and as at all times the military should be under strict subordination to the civil power, that therefore, no standing army or regular troops shall be raised or kept up in time of peace.

13. That no moneys be borrowed on the credit of the United States, without the assent of two-thirds the senators and representatives present in each house.

14. That the Congress shall not declare war without the concurrence of two-thirds the senators and representatives present in each house.

15. That the words " without the consent of Congress," in the seventh clause of the ninth section of the first article of the Constitution, be expunged.

16. That no judge of the Supreme Court of the United States shall hold any other office under the United States, or any of them ; nor shall any officer appointed by Congress, or by the President and Senate of the United States, be permitted to hold any office under the appointment of any of the states.

17. As a traffic tending to establish or continue the slavery of any part of the human species, is disgraceful to the cause of liberty and humanity, that Congress shall, as soon as may be, promote and establish such laws and regulations as may effectually prevent the importation of slaves of every description, into the United States.

18. That the state legislatures have power to recall, when they think it expedient, their federal senators and to send others in their stead.

19. That Congress have power to establish a uniform rule of inhabitation or settlement of the poor of different states, throughout the United States.

20. That Congress erect no company with exclusive advantages of commerce.

21. That when two members shall move, or call for the yeas and nays on any question, they shall be entered on the journal of the houses respectively.

Done in Convention, at Newport, in the county of Newport, in the State of Rhode Island and Providence Plantations, the 29th day of May, in the year of our Lord, one thousand seven hundred and ninety, and the fourteenth year of the independence of the United States of America.

By order of the Convention : signed,

DANIEL OWEN, PRESIDENT.

Attest, DANIEL UPDIKE, Secretary.

The *Providence Gazette*, June 5th, contains the following remarks :—

Saturday night, at 11 o'clock, an express arrived in town from Newport with the important intelligence, that the Convention, of this State, had ratified the Constitution of the United States.

Then giving the yeas and nays on the question of ratification, it adds :—

This pleasing and most interesting event, was immediately announced by the ringing of bells, firing salutes from the artillery, on Federal Hill, and the ship Warren, Captain Sheldon, lately arrived from India. The next day, the delegates for this town returned from Newport, and on their landing were saluted by a discharge of thirteen cannon.

Many more members of the Convention were convinced of the propriety of so adopting the Constitution, and the majority would, it appears, have been much larger, had not a number of the members been restricted by instructions. Had it been compatible with the public good to have adjourned the decision for a short time only, these instructions would, undoubtedly, have been reversed ; but as there was a majority for the adoption, and the situation of the State extremely critical, it was deemed expedient to take the question. The President of the Convention, distinguished himself for his

impartiality and decision, as did the members for their candor and moderation.

During the session of Congress, on the first day of June, President Washington transmitted to that body a special message, stating that he had received official information of the ratification and adoption of the Constitution, by this State, and congratulating Congress on the event. The following letter, from the President of the Convention, accompanied the message :—

NEWPORT, May 29, 1790.

SIR.—I have the pleasing satisfaction of informing your Excellency, that the Constitution of the United States of America was this day ratified and adopted by the Convention of the people of this State, agreeably to the recommendation of the General Convention assembled at Philadelphia, and the consequent resolution of Congress thereon.

The lower House of the General Assembly of this State, at their session the former part of this month, passed a resolution, requesting his Excellency, the Governor, in case the Constitution should be adopted by the Convention, to call the Assembly together, by warrant, as soon after the adoption as might be, for the special purpose of electing Senators and taking measures for a representation of the people of this State in Congress. I can, therefore, assure your Excellency, that in the course of a few days, not to exceed sixteen, the Legislature will be assembled, either by special warrant, or pursuant to their adjournment, on the second Monday in June, when, I have not the least doubt, the senators will be immediately appointed, and the State represented in Congress, agreeable to the Constitution, as soon as the elections can be accomplished.

The Ratification of the Constitution will be made out and forwarded by way of the post office with all possible expedition.

Colonel William Barton, who was a member of the Convention, will have the honor of delivering this letter.

With the highest sentiments of esteem and respect, I have the honor to be, your Excellency's most obedient servant,

DANIEL OWEN, PRESIDENT.

To the President of the United States.

The Assembly were called together in a special session, on Monday the 7th day of June, when the Governor and

members of the Assembly, and the general officers, took the oath to support the Constitution.

At the same session, the Assembly, in accordance with the vote of the Convention, ratified eleven of the twelve amendments to the Constitution, which had been agreed to by Congress at their first session in March, 1789. The other amendment, which related to the compensation of senators and representatives in Congress, was not assented to by this State. Ten of the amendments assented to, are the first ten that follow the Constitution in the Revised Statutes of this State. The other one assented to by this State, did not receive the assent of three-fourths of the states. It related to the ratio of representation in the House of Representatives.

The legislature at the same session, elected senators to the Senate of the United States, in the First Congress, Theodore Foster, of Providence, and Joseph Stanton, of Charlestown. They took their seats in that body on the 25th of June. In drawing lots for their respective classes, Mr. Stanton drew that for four years, and Mr. Foster that for two years, from March 4, 1789.

An act was passed for the election of a representative, by the people of the State, at their August town meetings. At this election, Benjamin Bourn, of Providence, was the successful candidate.

The President of the United States, about the first of July, appointed Hon. Henry Marchant, District Judge, William Channing, District Attorney, and William Peck, Marshal, of the District of Rhode Island. Collectors and other officers of the Customs, and Postmasters were soon after appointed, so that the State was fully officered for a successful commencement of her career, as one of the United States under the present Constitution.

The General Assembly, at their October session, appointed

David Howell and Benjamin Bourn, and Henry Ward, Secretary of State, to prepare "an address, in the name of the General Assembly, to be presented to the President of the United States," who subsequently reported the following, which was adopted :—

At this earliest stated meeting of the legislature, since the accession of this State, which completed the Federal Union, we cannot omit to express our congratulations on your election, by the free suffrage of the citizens of this great Confederated Republic, to the office of Chief Magistrate thereof. The citizens of this State, be assured, Sir, participate largely in the general joy, that the United States in time of peace, still remain under the fostering hand that lead them successfully through a long and arduous war. Attached, as we have been, to the rights and liberties of mankind from the first settlement made on these shores, we cannot fail to coöperate, in all just measures, to secure them to the people of this country, now happily united under an efficient and well-balanced Federal Government. In promoting to places of trust and emolument, in the Executive department, the wisest and best men, you have pursued the example of the people in the election of the National Legislature.

Under such a Constitution and such an administration, we cannot but flatter ourselves with the hope of prosperity in our commerce, agriculture and manufactures, and of the establishment of our public credit and national character. With a grateful warmth of affection, permit us to recognize our sensibility of the particular honor of your late visit to this State, while at the same time we offer up our praises to the Almighty God, by whose kind Providence you had then been recently restored to health, that He may still have you under His holy keeping, and, after a very long and useful life, confer on you the rewards of virtue, which is our fervent prayer.

The Constitution of the United States was a compromise of conflicting feeling and interest. The Convention that formed it, was appointed for the express "purpose of revising the Articles of Confederation." From the day of their first meeting, the second Monday in May, 1787, up to the 19th day of June following, they were sedulously engaged in attempting to perform that duty. Being unable to agree upon the amendments required in that instrument to render

it efficient, on that day, by a vote of seven states against three, and one divided, they resolved to form an entirely new system. This they found to be a work of great labor. After a session of about three months they agreed upon the present Constitution.

The Convention was far from being unanimous in its favor. Only thirty-nine out of the sixty-one members elected to the Convention, signed it. Many of these held the opinions expressed by Dr. Franklin when he affixed his signature to it. "I consent," said he, "to this Constitution, because I expect no better, and because I am not sure it is not the best. The opinions I have held of its errors, I sacrifice to the public good. I have never whispered a syllable of them abroad; within these walls they were born and here they shall die." Washington approved it and that secured it many friends.

The citizens of the United States were far from being unanimously in favor of adopting the Constitution, after it was reported by the Convention. In almost every state convention to which it was submitted, it was opposed by some of the members. It was first acted upon by the Convention of Delaware and adopted unanimously, December 7, 1787; then by Pennsylvania, and there adopted by a vote of forty-six to twenty-three, December 12th; then by New Jersey unanimously, December 18; then by Georgia unanimously, January 2, 1788; by Connecticut, January 9, by a vote of one hundred and twenty-eight to forty; by Massachusetts, February 7, one hundred and eighty-seven to one hundred and sixty-eight; by Maryland, April 28, sixty-three to eleven; by South Carolina, May 23, one hundred and forty to seventy-three; by New Hampshire, June 21, fifty-seven to forty-six; by Virginia, June 26, eighty-nine to seventy-nine; by New York, July 26, thirty to twenty-seven; by North Carolina, November 21, 1789, one hundred and ninety-three to seventy-five, and last of all, by Rhode Island, May 29, 1790, thirty-four to thirty-two.

The long delay on the part of this State has subjected her to violent animadversion from many writers. No sufficient apology can be offered for the neglect of the Legislature in not providing, at a much earlier date, for the calling of a Convention to decide upon it, in accordance with the resolution of the general Convention that framed the Constitution. It may be that the opponents of the Constitution having an acknowledged ascendancy in the State, feared to reject it. It is evident they could have done this at the first meeting of the Convention, but then as before in the General Assembly, the line of policy pursued, was to postpone action on the subject. Let it be remembered, that from May, 1776, Rhode Island was a sovereign State, the arbiter of her own destiny, accountable neither to her neighbor states, nor to any of her sister states. She violated no right of theirs, she neglected no duty of hers, in not ratifying the Constitution, or in not acting upon the question. She was under no obligation to ratify it. She, with her sister states, had adopted the Articles of Confederation. She, with them, had solemnly agreed that those Articles should be of perpetual obligation. She with them, and they with her, had plighted faith that these Articles should not be altered or amended but by her and their unanimous consent. Rhode Island adhered to her solemn agreement. She kept inviolate her plighted faith. They, on the contrary, set aside and nullified the Articles of Confederation and adopted a new Constitution, alterable as well as amendable, by the vote of three-fourths of the states; and further, they agreed that the new Constitution should go into operation when ratified by three-fourths of the states. They thus broke faith with Rhode Island, and gave her just cause of suspicion and offence by so doing. Granted it may be, that the Articles of Confederation were insufficient, and that the present Constitution is infinitely the better system, it will still remain a fact incontrovertible, that Rhode

Island did no wrong to her sister states by delaying to adopt it, but that they did her a wrong by their breach of faith, by their agreeing to put it in operation, and by putting it in operation before it was unanimously ratified.

What occasioned this delay, what produced this violent opposition to the Constitution in this State? How happened it that "she who was first in the fight was last at the feast?"

One thing is certain, it did not arise from any opposition to a union of the states. Rhode Island was among the first to propose a union. The peculiar position and small extent of her territory might well have suggested such a measure, as one essential to her safety. Her delegates in Congress at a very early period, were instructed to advocate an annual Congress as the means of preserving that Union. The Legislature of the State on the 9th of February, 1778, empowered and directed her delegates in Congress to sign and ratify "the Articles of Confederation and Perpetual Union." Few states, if any, acted definitely on this subject at so early a period. But these "Articles" left her sovereignty intact. Not so the new Constitution, that required the surrender of some of her rights. But then, those that were surrendered were accurately defined. Those which were not expressly surrendered were retained, and were declared to be so by the Constitution itself. This Rhode Island might have assented to, but the Constitution did not stop here. By the consent of three-fourths of the states, a further portion of the rights of the states, yes, all that remained of them could be taken from all the states, and conferred on the newly created government. Who could predict what alterations and amendments would be proposed and adopted by three-fourths of the states. Rhode Island might be constitutionally shovelled into the Atlantic, as some, at the time, said she ought to be, for not ratifying the Constitution. Her citizens might be com-

pelled to surrender their heir-loom of soul liberty. She saw how her sisters, one by one, deserted the Articles of Confederation, and adopted the new Constitution, which trenched on the sovereignty of the states. As they broke their plighted faith in so doing, had not Rhode Island cause to fear, that if she put it into the power of three-fourths of the states to further trench on that sovereignty, that they would abuse the power so granted? How could it be expected that three-fourths of the states would be restrained from the exercise of a right, when they had thus exercised the power without the right, and against the right?

Rhode Island performed the duties required of her by Congress, as well as most of the states. No one could boast of a perfect performance with unfailing promptness. Let it be remembered what an extent of sea coast this State has, which was, at all times, exposed to the British fleet—that “the garden of the Patent,” the island of Rhode Island, was for a long time in possession of the enemy, to guard against whose predatory excursions, all her citizen soldiery were several times called en masse into the field—that before the war foreign commerce was the favorite pursuit of her inhabitants, who were invited to it by her noble bays, and driven to it for that subsistence which her meagre soil refused to supply—that she had no wild unsettled lands or other resources for the supply of ordinary or war expenses, or the requisitions of Congress. These are her excuses for not promptly complying with all the requisitions of Congress. It was her want of means, not her want of will, which enabled any of her sister states to gain precedence over her in this respect. She forfeited none of her rights, by reason of her sharing with the other states the censures of Congress for neglect of duty. She was still a sovereign state, and was unwilling to transmit to her future sons either this sovereignty impaired, or with the right to impair it vested in three-fourth of her sister states.

Again, up to the very commencement of the revolutionary contest, this Colony had been rent almost in twain by political parties, of which Gov. Hopkins and Gov. Ward, were the respective leaders. That contest united the members of these parties for a time. When peace had been established, the smouldering embers of party spirit again burst forth into vivid flames, in the paper money, or country party, of 1786, 1787, 1788 and 1789, and the merchants, or town party, that opposed the issue of further bills of credit by the State. The first gained ascendancy in the State in the spring of 1786. To relieve a bankrupt State and its bankrupt citizens, they issued a new paper currency. To force it into circulation and prevent its depreciation in value, they resorted to legislation of more than doubtful expediency. The registered debt of the State, enormous in amount for a state with no resources but the labor of its citizens, had, of course, centred in the hands of the merchants and wealthy part of the community. Little of it remained in the hands of that class that composed the "country party." That full payment would be enforced, if the Constitution should be adopted, and that it might be delayed or even defeated, if the Constitution should be defeated, probably had more influence on the question than appeared in the discussion of it. What added more weight to the arguments of the country party was, the fact, that much of this debt had been taken up by its holders at a greatly depreciated value. That party had attempted to compel the holders of this debt to exchange the evidences of it for the paper money, issued in May, 1786, after that money had greatly depreciated in value. Unjustifiable as this proceeding seems, it was persisted in, until the greater part of that debt had been redeemed. Under the rule of the paper money party there seemed no other way of receiving any value for the State debt. The debt thus became changed, and was represented by the pa-

per money of 1786. The original holders of the old debt, who, on comparison, had received this paper money for it, were by no means satisfied with the arrangement, and looked to full remuneration, by the overthrow of the party that issued it, and to the ratification of the Constitution as the means of securing to them that remuneration.

The friends of paper money, before the spring election in 1786, had enlisted in its ranks all those freemen in the State, who were opposed to the granting of more power to Congress. The men, who, in February, 1786, had defeated their favorite measure, the issuing of more paper bills, had, at that session and in the one held in March following, granted to Congress a five per cent. impost on foreign goods, and a right to regulate the foreign commerce of the States. The friends of paper money, and the opponents of these measures, readily coalesced. After joining with the friends of paper money, in carrying into effect their favorite measure, in return they received the support of the paper money men against any aggrandisement of Congress. Assuming the name of the paper money party, they all fell, naturally, into line with the opponents of the Constitution; the merchant party, as naturally, into that of its friends, with partisan feelings intensified by private interest.

Again, the State of Rhode Island was always jealous of the other states and colonies. Its origin made it so. Incidents in its progress fostered that jealousy, and interwove it with the fundamental principles of its government. Antagonistic to the other colonies in origin, action and mission, the very existence of the Colony of Rhode Island, in early times, required this jealousy. They measured the civil rights of the individual by his religious profession. They claimed the right to regulate the creed as well as the conduct of their inhabitants, by legal pains and penalties. This claim originated in the several colonies, afterward combined

in the Colony and State of Rhode Island. The government in them from the outset, assumed to regulate civil things only. Their inhabitants denied that human government ought ever to assemble to do more. This heresy rendered the Colony of Rhode Island obnoxious to its neighbors. A decided belief that it was a deadly heresy impelled them to seek its suppression. A contrary belief, as decided, pervaded Rhode Island, and hence the jealousy before alluded to. It appeared in the watchful care exhibited from the commencement of the colony to prevent, and frustrated the attempts made to diminish its territory and to alter its distinctive policy.

It was distinctly manifested in the instructions given in 1776, to its delegates in Congress, authorizing them to unite with the other Colonies in every means of defence against the common enemy, charging at the same time, "to take the greatest care to secure to the Colony in the strongest and most perfect manner its present form and all the powers of government so far as relates to the internal police and government of our own affairs, civil and religious." The same jealousy of interference appears also in the instructions to its delegates in 1782, when the State required them "to use their utmost exertions to prevent any infringement of the sovereignty and independence of the State." The discussion of State rights in 1782 and 1783, by the delegates in relation to the grant of the Five per cent. Impost, gave new impulse and power to this jealousy. The proceedings of Congress against their delegates in those years, the result undoubtedly, of their outspoken sentiments on this subject, added strength and poignancy to their arguments with their constituents. The men in this State who listened to them, treasured them up and repeated them during the discussion on the merits of the new Constitution. On that question the jealousy of other states had its influence.

Further. The government of Rhode Island, both colonial

and state, up to the adoption of the Constitution, was peculiar and somewhat patriarchal in its character. No officers held office longer than one year by one election. No salaries were so large as to make any office the object as well of avarice as ambition. The duties of all officers were generally discharged with less regard to form, than to substantial justice and the good of the community. Delegated power was effectually checked by low salaries and frequent elections. The General Assembly was as omnipotent as the British Parliament. But the annual election of the Governor and Senate, and the semi-annual election of the House of Representatives, insured the proper use of their omnipotence by shaping their legislation to a conformity to the popular will. As this system originated in the simple habits of the freemen of the Colony and State, it fostered those habits as well in the government as in the people.

So far as the federal Constitution departed from these views, it came in contact with the established doctrines, practice and prejudices of the citizens of Rhode Island.

These and other local and temporary causes, delayed the action of this State on the adoption of the Constitution. When brought to the test both in the General Assembly on the act for calling a Convention to consider it, and in the Convention on the question of adopting and ratifying it, the majority was very small. In both of these bodies, a majority of the members at the time of their appointment was against the measures finally adopted by them. Tradition says that appliances were used both in the Assembly and in the Convention to change the votes of members, not justifiable or excusable even, by the good results they produced. Let that rest in tradition to be obliterated by the hand of time.

The Constitution became the supreme law of Rhode Island on the 29th day of May, 1790. Since that day we have been reaping untold advantages from it, in the prosperity that has overspread the whole land.

It has lost none of the freshness of its strength by the lapse of time. It has proved itself competent and efficient for a breadth of territory and an increasing population far surpassing the thoughts of its framers. Recently treason has endeavored to overthrow it. The attempt recoiled in heavy vengeance on the heads of its authors, and so may it ever be.

THE END.

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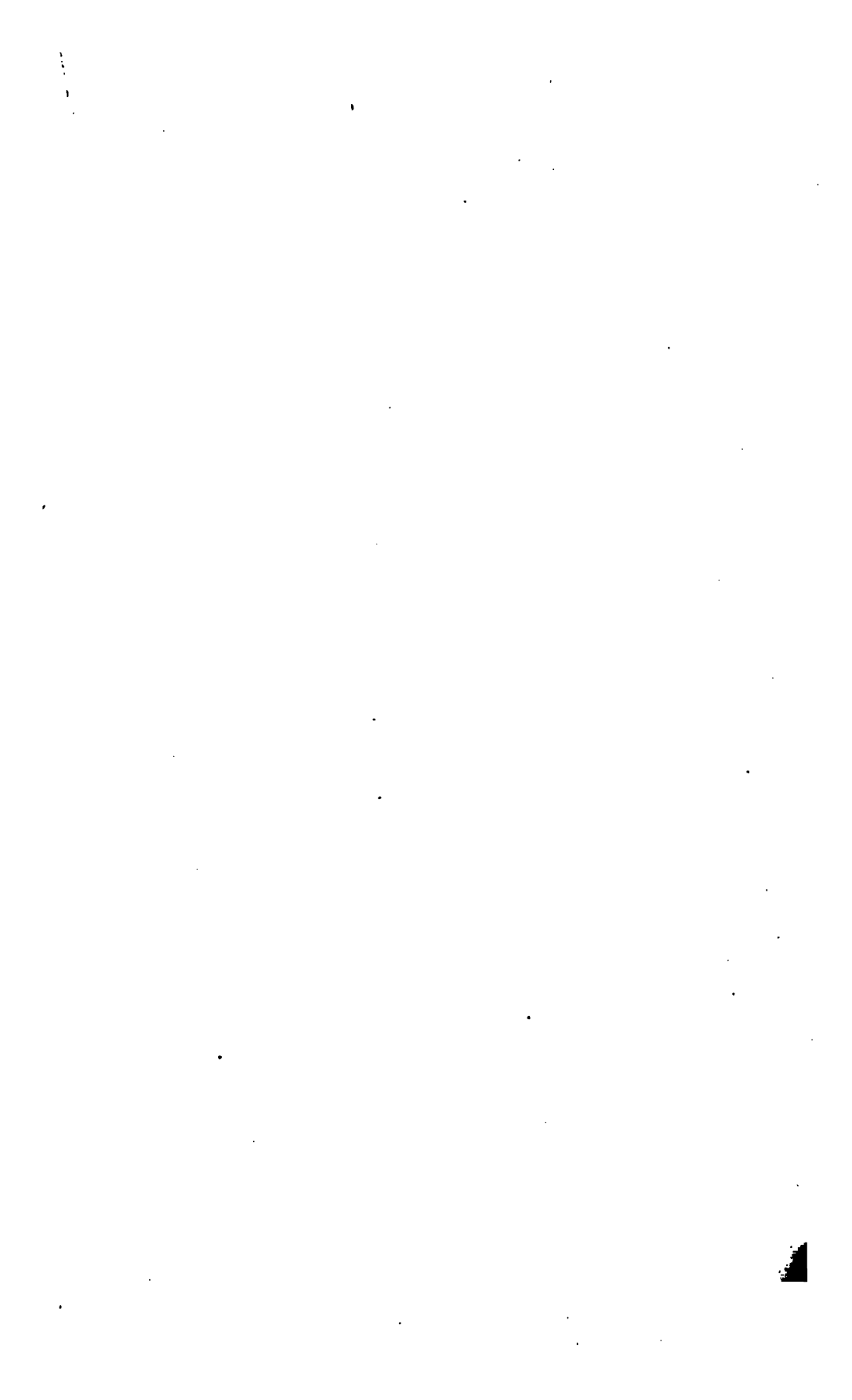
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